

# FEDERAL REGISTER

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## Rules, Regulations, Orders

### TITLE 7—AGRICULTURE

#### CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

[Amendment 1]

#### PART 722—COTTON

##### RESULTS OF COTTON REFERENDUM, 1941-42 MARKETING YEAR

In order to reflect a revision in the report of ballots cast in Orleans Parish, Louisiana, and to correct the section number so as to read 722.303 instead of 722.302, the second paragraph of the proclamation<sup>1</sup> issued by the Secretary of Agriculture on December 31, 1940, announcing the results of the referendum held on December 7, 1940, on cotton marketing quotas for the marketing year 1941-42, is hereby amended to read as follows:

§ 722.303 *Results of cotton referendum.* (a) In the referendum of farmers who were engaged in production of the 1940 crop of cotton, conducted by the Secretary of Agriculture on December 7, 1940, to determine whether such farmers were in favor of or opposed to marketing quotas for cotton for the marketing year beginning August 1, 1941, the total number of votes cast was 918,857 and of the total number of votes so cast 848,428 votes, or 92.3 percent, were in favor of, and 70,429 votes, or 7.7 percent, were opposed to, such marketing quotas.

Done at Washington, D. C., this 25th day of January 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

CLAUDE R. WICKARD,  
Secretary of Agriculture.

[F. R. Doc. 41-578; Filed, January 25, 1941;  
11:38 a. m.]

<sup>1</sup> 6 F. R. 42.

#### CHAPTER VIII—SUGAR DIVISION, AGRICULTURAL ADJUSTMENT AD- MINISTRATION

##### PART 802—SUGAR DETERMINATION

DETERMINATION OF FAIR AND REASONABLE WAGE RATES FOR PERSONS EMPLOYED IN THE PRODUCTION, CULTIVATION, OR HARVESTING OF SUGARCANE IN HAWAII DURING THE PERIOD JANUARY 1, 1941, THROUGH DECEMBER 31, 1941.

Whereas section 301 (b) of the Sugar Act of 1937, as amended, provides the following as one of the conditions for payment to producers of sugar beets and sugarcane:

That all persons employed on the farm in the production, cultivation, or harvesting of sugar beets or sugarcane with respect to which an application for payment is made shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing; and in making such determinations the Secretary shall take into consideration the standards therefor formerly established by him under the Agricultural Adjustment Act, as amended, and the differences in conditions among various producing areas: *Provided, however,* That a payment which would be payable except for the foregoing provisions of this subsection may be made, as the Secretary may determine, in such manner that the laborer will receive an amount, insofar as such payment will suffice, equal to the amount of the accrued unpaid wages for such work, and that the producer will receive the remainder, if any, of such payment;

And whereas the Secretary of Agriculture, conformably to said section 301 (b), has held a public hearing in Hawaii for the purpose of receiving evidence likely to be of assistance to him in determining fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in Hawaii during the period January 1, 1941, through December 31, 1941;

Now, therefore, I, Claude R. Wickard, Secretary of Agriculture, after investigation and due consideration of the evidence obtained at the aforesaid hearing and all other information before me, do hereby make the following determination:

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*§ 802.34d Fair and reasonable wages for persons employed in the production, cultivation, or harvesting of sugarcane in Hawaii during the period January 1, 1941, through December 31, 1941. Persons employed in the production, cultivation, or harvesting of sugarcane in Hawaii during the period January 1, 1941, through December 31, 1941 (except those who are paid a monthly salary of \$100 or more), shall be deemed to have been paid fair and reasonable wage rates if full payment in cash for an 8-hour day (shorter or longer days to be in proportion) is made for all such work at rates not less than the following:*

#### (a) Harvesting operations:

(1) Subject to the provisions of subparagraph (2) of this paragraph, the annual average payment on each farm of all adult workers, excluding operators of mechanical equipment, for work performed on each of the following harvesting operations on a piece rate basis or on a day basis shall be:

For cutting, cutting and packing, packing, packing and fluming, fluming, piling, hand loading and hauling sugarcane, laying portable track, and laying portable flumes, and operations connected with mechanical harvesting and loading not elsewhere provided for, not less than \$2.00 per 8-hour day.

(2) For all work performed in the foregoing harvesting operations each laborer shall receive an average daily wage for each pay period (not exceeding one month) of not less than \$1.60 per 8-hour

day for adult male workers and not less than \$1.20 per 8-hour day for adult female workers.

#### (b) Non-harvesting operations:

(1) Subject to the provisions of subparagraph (2) of this paragraph, the annual average payment on each farm of all adult workers, excluding operators of mechanical equipment, for work performed on each of the following non-harvesting operations on a piece rate basis or on a day basis shall be:

For planting, cultivating, fertilizing, irrigating, brooming,<sup>1</sup> and other operations in the production and cultivation of sugarcane not specifically mentioned elsewhere in this determination, not less than \$1.50 per 8-hour day.

(2) For all work performed in all operations connected with the production and cultivation of sugarcane, exclusive of work performed under long term cultivation, or irrigation agreements, each laborer shall receive an average daily wage for each pay period (not exceeding one month) of not less than \$1.40 per 8-hour day for adult male workers and \$1.05 per 8-hour day for adult female workers.

(3) For all work performed under long term cultivation or irrigation agreements an advance of not less than \$1.50 per day for adult male workers and \$1.12 for adult female workers.

#### (c) Women:

(1) In calculating the annual averages above provided for, the earnings of adult females shall be given a weight of 4/3ds.

(2) For all work performed on a piece rate basis the piece rate shall be not less than the rate for the same operation paid to adult male workers.

(d) Children between the ages of 14 and 16:

(1) For all work performed on a piece rate basis the piece rates shall be not less than the rate for the same operation paid to adult male workers.

(2) For all work performed on a time basis a rate per day of 8 hours of not less than \$1.00, the rate for shorter days to be in proportion.

#### (e) Machine operations:

(1) Tractor drivers, truck drivers, and railroad brakemen, not less than 21 cents per hour.

(2) Operators of mechanical loading and harvesting equipment (other than tractors), not less than 28 cents per hour.

(3) Railroad engineers, not less than 31 cents per hour.

(4) Railroad firemen and conductors, not less than 23 cents per hour.

<sup>1</sup> So-called brooming done directly in connection with the operation of mechanical harvesting equipment shall be considered as covered under paragraphs 1 (a) and 1 (b) above. Other brooming is considered as non-harvesting for the purposes of this determination.



Provided, however, That, in addition to the foregoing, the producer shall furnish to the laborer, without charge, the perquisites customarily furnished by him, such as a house, garden plot, and similar incidentals; *Provided further*, That the foregoing provisions shall not be construed to mean that a producer may qualify for payment who has not paid in full the amount agreed upon between the producer and the laborer; and *Provided further*, That the producer shall not, through any subterfuge or device whatsoever, reduce the wage rates to laborers below those determined above. (Sec. 301, 50 Stat. 909; 7 U.S.C. 1131)

Done at Washington, D. C., this 24th day of January 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

CLAUDE R. WICKARD,  
Secretary.

[F. R. Doc. 41-579; Filed, January 25, 1941;  
11:38 a. m.]

## TITLE 9—ANIMALS AND ANIMAL PRODUCTS

### CHAPTER I—BUREAU OF ANIMAL INDUSTRY

[Amendment 2, B.A.I. Order 373]

#### PART 94—RINDERPEST AND FOOT-AND-MOUTH DISEASE; PROHIBITED AND RESTRICTED IMPORTATIONS

Pursuant to the authority conferred upon the Secretary of Agriculture by section 306 of the Tariff Act of 1930 (Sec. 306, 46 Stat. 689; 19 U.S.C. 1306), § 94.1 *Existence of rinderpest or foot-and-mouth disease; importations prohibited*, Part 94, Chapter I, Title 9, Code of Federal Regulations (§ 94.1 of B.A.I. Order 373), as amended, is hereby further amended by adding the name "Northern Ireland" to the list of countries therein, as I have determined that foot-and-mouth disease now exists in the said Northern Ireland and I have so notified the Secretary of the Treasury.

This amendment, which for purpose of identification is designated Amendment 2 to B.A.I. Order 373, shall be effective on and after January 25, 1941.

Done at Washington this 25th day of January 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

CLAUDE R. WICKARD,  
Secretary of Agriculture.

[F. R. Doc. 41-577; Filed, January 25, 1941;  
11:38 a. m.]

## TITLE 10—ARMY: WAR DEPARTMENT

### CHAPTER VII—PERSONNEL

#### PART 75—ADMISSION TO THE UNITED STATES MILITARY ACADEMY<sup>1</sup>

§ 75.1 *The Military Academy.* (a) The United States Military Academy is

<sup>1</sup> Communications relating to matters connected with the Military Academy should be addressed to The Adjutant General, Washington, D. C.

an institution established by the Government for the practical and theoretical training of young men for the military service. Its cadets are given a comprehensive and general education of collegiate grade and a sufficient basic military education and training to enable them to pursue their careers as officers of the Army.

(b) Direction and supervision of the Military Academy are vested by law in the War Department under such officer or officers as the Secretary of War may select, and, in accordance with this provision, the Chief of Staff has been designated as the officer in charge of all matters pertaining to the institution.\*† [Pars. 1, 2]

\*§§ 75.1 to 75.26, inclusive, issued under the authority contained in R.S. 161; 5 U.S.C. 22.

†The source of §§ 75.1 to 75.26, inclusive, except as otherwise noted, is Information Relative to the Appointment and Admission of Cadets to the United States Military Academy, West Point, N. Y., W. D., Oct. 15, 1940.

§ 75.2 *How to enter the Military Academy.* The candidate for a cadetship, who must never have been married and who will at the time of his proposed entrance come within the prescribed age limits and be a citizen of the United States, should follow the steps outlined below. He must first obtain an appointment to a vacancy, existing or prospective. He must then demonstrate that he measures up to certain physical and educational standards. His physical fitness is determined by examination; his educational qualifications may be shown by regular mental examination or by the submission of certain prescribed certificates with validating examination, or, in certain special cases, by certificate without mental examination. (See §§ 75.13 and 75.14 (a)) If he be accepted, he reports at the academy on the first weekday in July and, prior to admission, he is required to take the oath of allegiance and to subscribe to an engagement to serve the United States for a time subsequent to his graduation. (See § 75.23 (c)) \*† [Par. 3]

§ 75.3 *Course as a cadet.* (a) Upon admission to the academy, he enters upon a 4-year course of study and training. The academic year extends from September 1 to June 4, the greater part of the remainder of the year being spent in camp and devoted to military training. At the end of his second year at the academy he is granted a furlough of about 10 weeks, which, with the exception of a few days during Christmas week of his second, third, and fourth years, is the only extended vacation which he receives. During the time that he remains a cadet, he is paid at the rate of \$1,053.75 per annum. Upon graduation he may be commissioned as a second lieutenant in one of the branches of the Army.

(b) The points brought out briefly in the paragraphs above are explained in detail in the following pages.\*† [Par. 4]

§ 75.4 *Strength of the corps of cadets.* Under an act of Congress approved June 7, 1935, the Corps of Cadets shall hereafter consist of 1,960 cadets, appointed in number and from sources as follows:

6 from each State at large.....	288
3 from each congressional district.....	1,305
3 from each Territory (Hawaii and Alaska).....	6
5 from the District of Columbia.....	5
3 from natives of Puerto Rico.....	3
1 from Panama Canal Zone.....	1
172 from the United States at large.....	172
180 from among the enlisted men of the Regular Army and of the National Guard, in number as nearly equal as practicable.....	180

Total ..... 1,960

\* Of whom 3 are appointed upon the recommendation of the Vice President, 40 are selected from among the honor graduates of those educational institutions designated as "honor military schools," and 40 are chosen from among the sons of veterans who were killed in action or died prior to July 2, 1921, of wounds received or disease contracted in line of duty during the World War.\*† [Par. 5]

§ 75.5 *Filipino cadets.* (a) In addition to the 1,960 mentioned above, the Secretary of War is authorized to permit not exceeding four Filipinos, to be designated one for each class by the President of the Commonwealth of the Philippine Islands, to receive instruction at the United States Military Academy: \* \* \* "And provided further, That said Filipinos undergoing instruction, on graduation shall be eligible only to commissions in the Philippine Scouts. And the provisions of section 1321, Revised Statutes, are modified in the case of the Filipinos undergoing instruction, so as to require them to engage to serve for eight years, unless sooner discharged, in the Philippine Scouts." Act May 28, 1908 (35 Stat. 441).

(b) The act of Congress approved June 13, 1940, making appropriations for the military establishment for the fiscal year ending June 30, 1941, contains a proviso which reads as follows: " \* \* \* That no part of this or any other appropriation contained in this act shall be available for the pay of any person, civil or military, not a citizen of the United States, unless in the employ of the Government or in a pay status, under appropriations carried in this act on July 1, 1937, \* \* \* ." \*† [Par. 6]

§ 75.6 *Appointments, how made.* (a) The numbers mentioned above represent the maximum allowed at the Military Academy at any one time from the respective sources; consequently, no appointment can be made from any source except to fill a vacancy therefrom.

(b) All appointments are made by the President and as follows:

(1) From States at large and from congressional districts, upon the recommendations of the respective Senators and Representatives in Congress.

(2) From the Territories, upon the recommendations of the respective Delegates in Congress.

(3) From the District of Columbia, upon the recommendations of the commissioners thereof.



(4) From Puerto Rico, upon the recommendation of the resident commissioner.

(Those cadets appointed from States at large, from congressional districts, from the Territories, from the District of Columbia, and from the island of Puerto Rico, must, under the law, be actual residents thereof, respectively.)

(5) From among the sons of civilians residing in the Canal Zone and the sons of civilian personnel of the United States Government and the Panama Railroad Company residing in the Republic of Panama to be selected by the Governor of the Panama Canal Zone.

(6) From among the honor graduates of educational institutions designated as "honor military schools," upon the recommendations of the heads of the respective schools.

(7) From among the enlisted men of the National Guard of the States and Territories, and of the island of Puerto Rico, upon the recommendations of the respective governors thereof.

(8) From among the enlisted men of the National Guard of the District of Columbia, upon the recommendation of the commanding general of the District Militia.

(9) From among the enlisted men of the Regular Army, upon the recommendations of the commanding generals of the respective corps areas and territorial departments.

(10) Appointments from the United States at large (excepting those from "honor military schools," those chosen from among the sons of deceased World War veterans, and those appointed upon the recommendation of the Vice President) are made by the President upon his own selection, and as the result of a competitive examination, identical in every respect with the regular entrance examination.

(11) Only such candidates as are fully qualified may be nominated subsequently to the holding of the scheduled examinations, and no nomination for appointment will be accepted if received in the War Department later than midnight on June 30th, preceding the regular date of admission to the Military Academy on July 1st. Letters whose postoffice marks clearly show that they were placed in the mail prior to midnight of June 30th are held to meet the foregoing requirement.\*† [Par. 7]

§ 75.7 *Selection of candidates—(a) From States at large, congressional districts, and Territories.* (1) The selection of candidates, by competitive examination or otherwise, for appointment from any State at large or congressional district, is entirely in the hands of the Senator or Representative in Congress who has the vacancy at his disposal, and all applications for appointment from those sources should be addressed to the proper Senator or Representative.

(2) For each vacancy from a State at large or congressional or Territorial district, three candidates should be nominated, one to be named as principal, one

as first alternate, and one as second alternate. The first alternate, if qualified, will be admitted in the event of the failure of the principal; the second alternate, if qualified, will be admitted in the event of the failure of both the principal and the first alternate.

(3) These candidates must, at date of admission, be between the ages of 17 and 22 years.

(b) *From "honor military schools."* Honor graduates of "honor military schools" are selected for appointment as cadets of the United States Military Academy in the following manner:

(1) There is maintained in the office of The Adjutant General a roster of "honor military schools" as determined by annual War Department inspections of educational institutions. At an early date in each year The Adjutant General will anticipate the vacancies in the Corps of Cadets which are open to honor graduates and will make an equitable distribution of those vacancies amongst the "honor military schools" and notify them accordingly. Each designated institution will at a specified time notify The Adjutant General of the names of the selected honor graduates, designating them as principal, first alternate, and second alternate. In considering graduates for this designation the institution is not limited to those graduating during the current year.

(2) An honor graduate, designated as principal, of a selected institution will be appointed a cadet of the United States Military Academy upon the certificate of the head of the institution that the appointee is an honor graduate of that institution of a year for which the institution was designated an honor military school. No student will be rated as honor graduate unless he has in his school work shown proficiency in subjects amounting to not less than the 15 units prescribed by the regulations for admission to the United States Military Academy. A certificate will be forwarded to the Adjutant, United States Military Academy, West Point, N. Y., when the appointment is made. In the event that the honor graduate designated as principal does not accept the appointment or fails to qualify for admission, the first alternate will, if qualified, be appointed; and in the event that neither the principal nor the first alternate qualifies, the second alternate will, if qualified, be appointed.

(3) These candidates must at date of admission be between the ages of 17 and 22 years.

(4) All honor graduates are appointed subject to the same tests for mental and physical qualifications as are required of other candidates. (See §§ 75.13 and 75.14 (a))

(c) *From among sons of deceased World War veterans.* (1) An act of Congress approved June 8, 1926, authorized 40 cadets to be appointed by the President from among the sons of officers, soldiers, sailors, and marines of the Army, Navy, and Marine Corps of the United States who were killed in action or

died prior to July 2, 1921, or wounds or injuries received, or disease contracted in line of duty during the World War; one-half to be appointed from among the sons of officers and one-half from among the sons of warrant officers, soldiers, sailors, and marines.

(2) Candidates appointed under this act must be between the ages of 17 and 22 years and meet the usual physical requirements, and will be required to undergo the regular entrance examination competitively, the vacancies available from this source being awarded to those physically qualified competitors who make the highest proficient ratings in the order of merit established by the examination mentioned. There is no restriction as to residence in the case of these appointees.

(3) No form is prescribed for making application, which should be by letter addressed to The Adjutant General, showing the full name, date of birth, and address of the applicant, and the name, grade, and organization of his father, together with a brief statement showing the time and cause of his death. If the father of the applicant was an enlisted man, his serial number should also be given.

(d) *From the National Guard.* (1) To be eligible for appointment from the National Guard, an applicant must be an enlisted man in an active or inactive status, of a unit recognized by the Federal Government and must, at date of admission, be a member of the National Guard and between the ages of 19 and 22 years, and have served as an enlisted man in an active status in the National Guard not less than 1 year. It is not essential that the service shall have been continuous; therefore, former service in the Guard may be counted in determining an applicant's eligibility. Similarly service with a National Guard organization prior to its recognition by the Federal Government may be considered, the date of enlistment of the soldier governing, and not that of the recognition of the unit. Those applicants who contemplate enlisting in the National Guard for the purpose of being appointed to the Military Academy should do so early enough to enable them to acquire the year of service by the date of admission in the year during which they desire to enter.

(2) For vacancies in the cadetships allotted to enlisted men of the National Guard, the candidates, not exceeding three for each vacancy, will be apportioned, in number as nearly equal as practicable, among the States, the Territories, the District of Columbia, and the island of Puerto Rico, according to their enlisted strength. With the exception of the candidates from the District of Columbia they will be selected by the governors from successful competitors in a preliminary examination to be held between August 1 and November 15 of each year, such examination to be of a scope and nature similar to the regular examination for entrance to the United States



Military Academy. The candidates from the National Guard of the District of Columbia will be similarly selected by the commanding general of the District of Columbia Militia.

(3) Each candidate thus selected will be authorized by the War Department to report for the regular Military Academy entrance examination, which he must undergo in competition with the entire number of National Guard candidates, the available vacancies being awarded to those physically qualified candidates making the highest proficient averages in the order of merit established at the last-mentioned examination, irrespective of the State, Territory, or District to which their organizations may belong. The selection being made throughout by competition, alternates cannot be considered under any circumstances. (See § 75.9)

(e) *From the Regular Army.* (1) To be eligible for appointment from the Regular Army, an applicant must be an enlisted man thereof, and must, at date of admission, be between the ages of 19 and 22 years, and have served as an enlisted man in the Army not less than 1 year. It is not essential that the service shall have been continuous; therefore, prior Army service may be counted in determining a soldier's eligibility. Those applicants who contemplate enlisting in the Army for the purpose of being appointed to the Military Academy should do so early enough to enable them to acquire the year of service by the date of admission in the year during which they desire to enter.

(2) The candidates nominated for cadetships allotted to the enlisted men of the Regular Army shall not exceed three times the number of existing vacancies and shall be equitably distributed among the corps areas and territorial departments by the War Department. If the number of applicants in any corps area or department exceeds the share allotted to it by the War Department, the candidates in such corps area or department will be chosen from the successful competitors in a preliminary examination to be held in the several corps areas and territorial departments between December 1 and December 15 such examination to be of a scope and nature similar to the regular examination for entrance to the United States Military Academy.

(3) Each such candidate will be authorized to report for the regular Military Academy entrance examination, which he must undergo in competition with the entire number of Army candidates, the available vacancies being awarded to those physically qualified competitors making the highest proficient averages, in the order of merit established at the last-mentioned examination, without regard to the corps area or territorial department from which designated. The selection being made throughout by competition, alternates cannot be considered under any circumstances. (See § 75.9). \*† [Pars. 8, 9, 10, 11, 12]

§ 75.8 *Educational qualifications, how shown.* There are three methods of

meeting the educational requirements for admission to the Military Academy, viz:

(a) By successfully passing the regular entrance examination, or,

(b) By submitting a satisfactory educational certificate (secondary school) to be validated by special examination, or,

(c) By submitting an educational certificate which does not need a validating examination. (See §§ 75.13 and 75.14 (a)) \*† [Par. 13]

§ 75.9 *Entrance examination, when held.* (a) The regular Military Academy entrance examination and the examination for validating certain classes of certificates are held beginning on the first Tuesday in March each year. Each candidate designated to take one of these examinations will receive from the War Department a letter of appointment, and he must appear for examination at the time and place designated therein before a board of Army officers convened by the War Department. Enlisted men appointed from the Regular Army also receive authority from the War Department to report for examination, and must report at the time and place specified. No other regular mental examination is held during the year. The failure of candidates holding noncompetitive appointments to appear for examination unless prevented by sickness or other unavoidable cause shall vacate the appointment; the failure of candidates holding competitive appointments to report for examination for any cause shall vacate the appointment.

(b) A second validating examination is held on June 21 at West Point, N. Y., but is only for emergency vacancies which remain unfilled or occur after the March examination. Candidates appointed to such emergency vacancies must qualify by certificate or by certificate supplemented by the validating examination mentioned above. \*† [Par. 14]

§ 75.10 *Entrance examination, where held.* (a) The board before which a candidate is directed to appear will be convened at the place nearest or most convenient to his home or to the school at which he is in regular attendance.

(b) Following is a list of the places at which the examination is held:

Army and Navy General Hospital, Hot Springs National Park, Ark.  
Army Medical Center, Washington, D. C.  
Army Base, Boston, Mass.  
William Beaumont General Hospital, El Paso, Tex.  
Fort Benning, Ga.  
Fort Bragg, N. C.  
Canal Zone (such place as the Commanding General, Panama Canal Department, may designate).  
Alaska (post to be designated).  
Federal Office Bldg., 90 Church St., New York City, N. Y.  
Fitzsimons General Hospital, Denver, Colo.  
Fort Douglas, Salt Lake City, Utah.  
Fort Benjamin Harrison, Ind.  
Fort Hayes, Columbus, Ohio.  
Fort Sam Houston, Tex.  
Jefferson Barracks, Mo.  
Fort Knox, Ky.  
Fort Leavenworth, Kans.  
Letterman General Hospital, Presidio of San Francisco, Calif.  
Fort Lewis, Wash.

March Field, Calif.  
Fort McPherson, Ga.  
Fort Missoula, Mont.  
Fort Omaha, Nebr.  
United States Army Supply Base, New Orleans, La.  
San Juan, P. R.  
Fort Sheridan, Ill.  
Fort Sill, Okla.  
Fort Snelling, Minn.  
Schofield Barracks, Honolulu, Hawaii.  
Fort Wm. McKinley, P. I.

\*† [Par. 15]

§ 75.11 *Schedule of mental examinations.* Schedule of examinations is as follows:

(a) *Regular examination*—(1) *First day.* Report and instructions, 9 a. m. to 11 a. m., 2 hours. History, 1:30 p. m. to 5:30 p. m., 4 hours.

(2) *Second day.* Algebra, 9 a. m. to 1 p. m., 4 hours. English grammar, composition, and literature, 2:30 p. m. to 5:30 p. m., 3 hours.

(3) *Third day.* Geometry, 9 a. m. to 1 p. m., 4 hours.

(b) *Validating examination*—(1) *First day.* Report and instructions, 9 a. m. to 11 a. m., 2 hours. English grammar, composition, and literature, 2 p. m. to 4 p. m., 2 hours.

(2) *Second day.* Mathematics (algebra and plane geometry), 9:30 a. m. to 12:30 p. m., 3 hours. \*† [Par. 16]

§ 75.12 *Admission by regular mental examination*—(See § 75.8 (a))—(a) *Persons required to take examination.* All candidates take the regular mental examination who cannot qualify under §§ 73.13 or 73.14 (a)

(Inasmuch as candidates from the United States at large, the Regular Army, and the National Guard are appointed to vacancies in the order of merit competitively established as a result of the regular mental entrance examination, such candidates are not permitted to submit educational certificates in lieu of that examination, and therefore cannot qualify under §§ 73.13 or 73.14 (a) below.)

(b) *Subjects*—(1) *Algebra.* Candidates will be required to pass a satisfactory examination in that portion of algebra which includes the following range of subjects: Definitions and notations; the fundamental laws; the fundamental operations, viz: Addition, subtraction, multiplication, and division; factoring; highest common factor; lowest common multiple; fractions, simple and complex; simple or linear equations with one unknown quantity; simultaneous simple or linear equations with two or more unknown quantities; graphical representation and solution of linear equations with two unknowns; involution, including the formation of the squares and cubes of polynomials; binomial theorem with positive integral exponents; evolution, including the extraction of the square and cube roots of polynomials and of numbers; theory of exponents; radicals, including reduction and fundamental operations, rationalization, equations involving radicals; quadratic equations; equations of quadratic form; simultaneous quadratic equations; ratio and pro-



portion; arithmetical and geometrical progressions. Candidates will be required to solve problems involving any of the principles or methods contained in the foregoing subjects.

(2) *Plane geometry.* Candidates will be required to give accurate definitions of the terms used in plane geometry, to demonstrate any proposition of plane geometry as given in the ordinary textbooks, and to solve simple geometrical problems, either by a construction or by an application of algebra.

(3) *English grammar.* (i) Candidates must have a good knowledge of English grammar; they must be able to define the terms used therein; to define the parts of speech; to give inflections, including declension, conjugation, and comparison; to give the corresponding masculine and feminine gender nouns; to give and apply the ordinary rules of syntax.

(ii) They must be able to parse correctly any ordinary sentence, giving the subject of each verb, the governing word of each objective case, the word for which each pronoun stands or to which it refers, the words between which each preposition shows the relation, precisely what each conjunction and each relative pronoun connects, what each adjective and adverb qualifies or limits, the construction of each infinitive, and generally to show a good knowledge of the function of each word in the sentence.

(iii) They must be able to correct in sentences or extracts any ordinary errors of grammar.

(iv) It is not required that any particular textbook shall be followed; but the definitions, parsing, and corrections must be in accordance with good usage and common sense.

(4) *English composition and English literature.* Candidates will be required:

(i) By the writing of short themes on subjects chosen by themselves within the limits set by the examination paper, to prove their ability to spell, capitalize, and punctuate, and their mastery of the elementary principles of composition, including paragraphing and sentence structure.

(ii) To give evidence of intelligent acquaintance with the plays of Shakespeare which are most commonly used in preparatory and high schools.

(iii) To exhibit a fair knowledge of the history of English and American literature and of the names and lives of most prominent authors and of the names of their principal works.

(5) *History.* (i) Candidates will be required to pass a satisfactory examination in United States history and ancient history.

(ii) The examination in United States history will cover: Early discovery and settlements; the forms of government in the Colonies; the birth and development of a constitutional form of government; the causes, leading events, and results of wars; important events in the political and economic history of the Nation from its foundation to and including the na-

tional election of 1932; the location of places, areas, boundaries, and routes of outstanding historical significance.

(iii) The examination in ancient history will cover the period 750 B. C. to 814 A. D., emphasizing the rise, development, and decline of Greek and Roman civilization. It will also include the history of Mediterranean states in the period specified, and the development of western Europe after the break-up of the Roman Empire. The location of places, areas, boundaries, and routes of outstanding historical importance will be required.\*† [Pars. 17 to 22, incl.]

§ 75.13 *Admission by certificate and validating examinations.* (See § 75.8 (b).) The academic board will consider and may accept in lieu of the regular mental entrance examination a certificate<sup>2</sup> with validating examination in the following cases. (For alternate method of validating secondary school certificates, see § 75.14 (a) (4).)

(a) A properly attested certificate that the candidate has graduated from a preparatory school or public high school accredited by the United States Military Academy, provided that in his school work he has shown proficiency in subjects amounting to not less than 15 units of the list given below in § 75.15.

Of the 15 units, 2<sup>3</sup> must be in algebra, 1 in plane geometry, 1½ in English grammar and composition, 1½ in English literature, and 2 in history. The remaining 7 units must be chosen from the list of optional subjects, but cannot include commercial or other subjects not included in the list.

(b) A properly attested certificate that the candidate is in actual attendance in his senior year at a preparatory school or public high school accredited by the United States Military Academy, and had satisfactorily completed three and one-half years' work at such school, provided that the certificate shows specifically by subjects and units the work already completed and also that to be completed by graduation, and provided that the course the candidate is pursuing will, when completed, show proficiency in subjects amounting to not less than 15 units listed in (a) above.

A candidate submitting a certificate showing actual attendance at, and prospective graduation from, a preparatory or public high school must as a condition of admission continue his course of study and submit his diploma or other formal evidence of graduation at the time of entrance to the United States Military Academy. Failure to submit such evidence of graduation will disqualify the candidate for entrance.

The validating examination, required with all secondary school certificates except those accepted unconditionally un-

\*For lists of subjects and weights on certificates see § 75.15.

<sup>2</sup> Candidates from schools so organized as to offer only 1½ years of algebra must clearly show completion of all subject matter in § 75.16 in order to receive credit of 2 units in that subject.

der § 75.14 (a) (4), includes the subjects of mathematics (A and C) and English (A and B). This validating examination is not identical with the regular mental entrance examination. It will be of such a nature as to determine the knowledge of a candidate, but not so difficult as to require for the desirable student an intensive special preparation.

A candidate whose certificate has been rejected must take the regular mental entrance examination.\*† [Par. 23]

§ 75.14 *Admission by certificate.* (See § 75.8 (c).)—(a) The academic board will consider and may accept without other mental requirement:

(1) A properly attested college certificate that the candidate is a regularly enrolled student in good standing without condition in a university, college, or technical school accredited by the United States Military Academy, provided that the entrance requirements of the course he is pursuing require proficiency in subjects amounting to not less than the 15 units listed in § 75.13 (a).

A full record of academic work at the college, giving subjects taken and grades attained in each, must be submitted.

If the college certificate covers less than one full year's work in college, it must be accompanied by a certificate covering work in secondary school, and the two certificates will be considered together in determining the candidate's mental qualifications.

(2) A properly attested certificate from the College Entrance Examination Board that the candidate has shown proficiency in the examination set by the board in subjects amounting to the 15 units listed in § 75.13 (a).

(3) A properly attested certificate from the College Entrance Examination Board that the candidate has shown proficiency in the examinations set by the board in the 8 required units from the list given below, and a properly attested certificate from a preparatory or public high school accredited by the United States Military Academy showing proficiency in 7 units of the optional subjects given hereafter. A College Entrance Examination Board certificate that does not cover all of the 8 required units will not be considered.

(4) A secondary school certificate as described in § 75.13 (a) and (b) supplemented by a report from the College Entrance Examination Board that the candidate has taken its Scholastic Aptitude Test and Mathematics Attainment Test<sup>4</sup> (Beta Section), provided the grades earned on these tests are satisfactory. In case the candidate has graduated from secondary school prior to the

<sup>4</sup>In cases where the Scholastic Aptitude Test taken includes a mathematical section the Mathematics Attainment Test is not required. These tests, prepared by the College Entrance Examination Board, 431 West One Hundred Seventeenth Street, New York, N. Y., are the only such tests accepted for exemption from entrance examinations. Tests prepared by State or other testing agencies are not accepted.



date set for the validating examination (March or June), the Scholastic Aptitude Test and Mathematics Attainment Test\* (Beta Section) must also have been taken and reported upon prior to that date. In case the candidate is in actual attendance in his senior year at a secondary school at the time set for the validating examination in March and has not yet taken these tests, he may decline to take the validating examination, electing instead to undergo the Scholastic Aptitude Test and Mathematics Attainment Test\* (Beta Section) to be given by the College Entrance Examination Board in April of the same year. This privilege of electing to substitute the Scholastic Aptitude and Mathematics Attainment Tests\* to be taken later is allowed for the March Validating Examination only.

(b) (1) A candidate whose certificate has been rejected under § 75.14 (a) will be required to take the regular entrance examination except in cases where the academic board approves his credits under § 75.13 for admission subject to the validating examination.

(2) The academic board may reject any certificate for low grades or upon any evidence, whether contained in the certificate or not, which creates a reasonable doubt as to the candidate's mental qualifications for admission.

(3) A candidate whose certificate has been accepted unconditionally under § 75.14 (a) is excused from the mental examination but must appear for the physical examination.

(4) A candidate whose certificate is approved under § 75.14 (a) (4) subject to later passing of the College Entrance Examination Board's Scholastic Aptitude and Mathematics Attainment Tests\* is accepted as mentally qualified for admission if his record in these tests proves satisfactory. He is rejected as mentally unqualified if it proves unsatisfactory.\*† [Pars. 24, 25]

§ 75.15 *Subjects and credits.* The list of subjects and of the corresponding weights in units is as follows:

(a) *Required.* Every certificate must show evidence of proficiency in the following subjects:

	Units
Mathematics, A.....	2
Mathematics, C.....	1
English, A.....	1½
English, B.....	1½
History, A.....	Any 2..... 2
History, B.....	
History, C.....	
History, D.....	
	8

(b) *Optional.* The remaining 7 units may be supplied from among the following subjects and no others:

	Units
Mathematics, B.....	½
Mathematics, D.....	½
Mathematics, E.....	½
English, fourth year.....	1
History, A.....	Any not submitted among History, C required subjects..... 1
History, B.....	
History, C.....	
History, D.....	
Latin, first year.....	1
Latin, second year.....	1
Latin, third year.....	1

	Units
Latin, fourth year.....	1
Greek, grammar, and composition.....	1
French, first year.....	1
French, second year.....	1
French, third year.....	1
French, fourth year.....	1
German, first year.....	1
German, second year.....	1
German, third year.....	1
German, fourth year.....	1
Spanish, first year.....	1
Spanish, second year.....	1
Spanish, third year.....	1
Spanish, fourth year.....	1
Italian, first year.....	1
Italian, second year.....	1
Italian, third year.....	1
Italian, fourth year.....	1
Physics.....	1
Chemistry.....	1
General Science.....	1
Biology.....	1
Botany.....	1
Zoology.....	1
Physical geography.....	1
Drawing, mechanical or free-hand.....	1
Economics.....	1
Sociology.....	1
Bookkeeping.....	1
Physiology.....	1
Psychology.....	1
Astronomy.....	½
Geology.....	½
Civics, when not included in history, D.....	½

\*† [Par. 26]

§ 75.16 *Definition of certain subjects in the above list—(a) Mathematics, A, Algebra, two units.* The meaning, use, evaluation, and necessary transformations of simple formulas involving ideas with which the pupil is familiar, and the derivation of such formulas from rules expressed in words.

The graph, and graphical representation in general. The construction and interpretation of graphs.

Negative numbers; their meaning and use.

Linear equations in one unknown quantity, and simultaneous linear equations involving two unknown quantities, with verification of results. Problems.

Ratio, as a case of simple fractions; proportion, as a case of an equation between two ratios; variation. Problems.

The essentials of algebraic technique. Exponents and radicals; simple cases.

Numerical trigonometry.

Numerical and literal quadratic equations in one unknown quantity. Problems.

The binomial theorem for positive integral exponents, with applications.

Arithmetic and geometric series.

Simultaneous linear equations in three unknown quantities.

Simultaneous equations, consisting of one quadratic and one linear equation, or of two quadratic equations of certain types. Graphs.

Exponents and radicals.

Logarithms.

(b) *Mathematics, B, Algebra, Advanced, one-half unit.*

Theory of equations.

Determinants.

Complex numbers (numerical and geometric treatment), simultaneous quadratics, scales of notation, mathematical induction, permutations and combinations, and probability.

(c) *Mathematics, C, Plane Geometry, one unit.* The usual theorems and constructions of good textbooks, including the general properties of plane rectilinear figures; the circle and the measurement of angles; similar polygons; areas; regular polygons and the measurement of the circle.

The solution of numerous original exercises, including loci problems.

Applications to the mensuration of lines and plane surfaces.

(d) *Mathematics, D, Solid Geometry, one-half unit.* The usual theorems and constructions of good textbooks, including the relations of planes and lines in space; the properties and measurement of prisms, pyramids, cylinders, and cones; the sphere and the spherical triangle.

The solution of numerous original exercises, including loci problems.

Applications to the mensuration of surfaces and solids.

(e) *Mathematics, E, Trigonometry, one-half unit.* Definition of the six trigonometric functions of angles of any magnitude, as ratios. The computation of five of these ratios from any given one. Functions of 0, 30, 45, 60, and 90, and of angles differing from these by multiples of 90.

Determination, by means of a diagram, of such functions as  $\sin(A=90)$  in terms of the trigonometric functions of A.

Circular measure of angles; length of an arc in terms of the central angle in radians.

Proofs of the fundamental formulas, and of simple identities derived from them.

Solution of simple trigonometric equations.

Theory and use of logarithms, without the introduction of work involving infinite series. Use of trigonometric tables, with interpolation.

Derivation of the Law of Sines and the Law of Cosines.

Solution of right and oblique triangles (both with and without logarithms) with special reference to the applications.

(f) *English, A, grammar and composition, one and one-half units.*

The principles of English grammar.

The rules of English composition.

Proficiency in spelling, punctuation, grammar, and composition acquired by repeated oral and written exercises.

(g) *English, B, literature, one and one-half units.* The study of selected masterpieces in English and American literature.

Familiarity with the nature and characteristics of the different literary forms, as the essay, the novel, and biography in prose, the lyric and the epic in poetry, and the comedy and the tragedy in drama.

Knowledge of the history and development of English and American literature, including acquaintance with the chief periods, as the Elizabethan, the Puritan, the Restoration, and the Victorian, with the leading writers of such periods and



with the most important works of each writer.

(h) *History, A, ancient history, one unit.* History down to the death of Charlemagne (814 A. D.) with special reference to Greek and Roman history, and with a short introductory study of the more ancient nations.

(i) *History, B, European history, one unit.* History from the fall of Rome to the present time.

(j) *History, C, English history, one unit.* History of England, emphasizing the important epochs and the greater movements and showing the relations of English history to the history of other countries, especially the United States.

(k) *History, D, American history, with or without civil government, one unit.* The history of the United States and, if civil government is included, a study of the United States Constitution, of the Federal Government, with its powers, organization, and operation, and of the relations between the Federal and the State Governments.\*† [Pars. 27 to 37 incl.]

§ 75.17 *Definition of a unit of admission requirements.* (a) A unit represents a year's study in any subject in a secondary school, constituting approximately a quarter of a full year's work. A 4-year-secondary school curriculum should be regarded as representing not more than 16 units of work.

(b) This statement is designed to afford a standard of measurement for the work done in secondary schools. It takes the 4-year high-school course as a basis, and assumes that the length of the school year is from 36 to 40 weeks, that a period is from 40 to 60 minutes in length, and that the study is pursued for 4 or 5 periods a week; but under ordinary circumstances a satisfactory year's work in any subject cannot be accomplished in less than one hundred and twenty 60-minute hours or their equivalent.\*† [Par. 38]

§ 75.18 *General information as to certificates.* (a) All necessary papers, including a set of blank certificate forms (except certificate to be attested by the Secretary of the College Entrance Examination Board, which is sent only upon application), are furnished by The Adjutant General to each duly nominated candidate (except where competition is specified) with his letter of appointment.

(b) Any candidate who contemplates submitting a certificate shall, immediately upon receiving his appointment, forward to the Adjutant, United States Military Academy, West Point, N. Y., the names and addresses of all educational institutions from which he expects to obtain certificates, in order that information as to the status of those institutions may be procured before the arrival of the certificates.

(c) Certificates should be submitted not later than February 15. A certificate received between February 15 and the examination will receive consideration, but, in view of the short time left to the academic board to investigate its value,

no assurance will be given that such certificate can be acted on in time to exempt the candidate from the regular mental examination. Certificates received at West Point too late for full investigation and appraisal before 9 a. m. on the first Tuesday in March of each year will be returned to the candidates concerned without action.

(d) Candidates who submit certificates on a date which does not allow the academic board sufficient time to investigate their value and notify them regarding the final action thereon prior to the day set for the examination should proceed with the regular examination.

(e) Candidates who are informed that their certificates have been accepted, either provisionally or unconditionally, must present themselves at the regular time and place, as herein prescribed, for physical examination and, if required, for the validating examination.

(f) A candidate submitting a secondary school certificate who has taken the College Entrance Examination Board's Scholastic Aptitude Test and Mathematics Attainment Test (Beta Section), or the Scholastic Aptitude Test alone if it included a mathematical section, should have his record in these tests forwarded to the Adjutant, West Point, N. Y., at the same time as his school certificate. He should state on the latter that this is being done.

(g) A candidate in his last year in secondary school who elects not to take the validating examination in March but to depend for validation of his certificate upon the Scholastic Aptitude Test of April of the same year should include a statement to that effect when submitting his educational certificate. The latter should be submitted as in the general case, when the blank form is received from The Adjutant General.

(h) A candidate whose certificate qualifications have been approved, provided he completes his regular high-school or preparatory-school course with good grades, and graduates, must bring with him, and present on the day he reports, for admission, his diploma or certificate of graduation, together with a certified statement of the grades attained in his academic work, in order that the academic board of the Military Academy may determine whether or not these provisions have been fulfilled. If approval of his certificate was also subject to passing the College Entrance Examination Board's Scholastic Aptitude and Mathematics Attainment Tests at a later date, he should have a report of his record on these tests sent to the Adjutant, West Point, N. Y., as soon as the marks are available. The foregoing does not apply to a candidate whose certificate has been approved unconditionally.

(i) A candidate who has once satisfactorily fulfilled all the mental requirements for entrance will be regarded as qualified at any subsequent opportunity which may arise for entrance with the same class.

(j) A certificate which is accepted as satisfactory for one examination will be regarded as satisfactory for any other examination which may be set for entrance with the same class, unless it has been voided in the meantime by failure in the validating examination, in which event it will be reconsidered in connection with the results of the examination, should the candidate be reappointed with a view to admission the same year.

(k) Any certificate accepted for entrance with one class is not valid for entrance with a succeeding class unless reapproved. It must be resubmitted, accompanied by a full statement of the candidate's educational work in the interim, and both certificate and statement will be subject to careful scrutiny by the academic board.

(l) A candidate, not an ex-cadet, who has once been declared mentally qualified for entrance upon written examination, either regular or validating, need not undergo a second mental examination in case of any subsequent appointment unless the requirements for entrance have been changed in the meanwhile. A candidate reported not qualified mentally in one or more subjects on one examination will be required to qualify in all subjects at any subsequent examination.

(m) Information on the Scholastic Aptitude Test and the Mathematics Attainment Test mentioned in this pamphlet may be obtained from the College Entrance Examination Board, 431 West 117th Street, New York, N. Y.

(n) Inasmuch as candidates from the United States at large, the Regular Army, and the National Guard are appointed to vacancies in the order of merit competitively established as a result of the regular entrance examination, such candidates are not permitted to submit educational certificates in lieu of the regular examination.\*† [Par. 39]

§ 75.19 *Requirements as to age, height, and physical condition.* (a) Candidates are eligible for admission from the day they are 17 (or 19 if from the Regular Army or from the National Guard) until the day they become 22 years of age, on which latter day they are not eligible. The age requirements for all candidates as well as the service requirements for appointment from the Army and from the National Guard are statutory and cannot be waived.

(b) No candidate shall be admitted who is less than 5 feet 6 inches in height, or who is deformed or afflicted with any disease or infirmity which would render him unfit for the military service, or who has, at the time of presenting himself, any communicable disease.

(c) Candidates must never have been married.

(d) Each candidate must, on reporting at West Point, present a certificate showing successful vaccination within 1 year; or a certificate of two vaccinations, made at least a month apart, within 3 months.\*† [Par. 40]

§ 75.20 *Preliminary physical examination.* (a) Each candidate designated



as principal or alternate for appointment as a cadet of the Military Academy should ascertain as soon as practicable whether or not he has any physical defect that would disqualify him for admission or any that should be corrected by treatment before presenting himself for examination. For this purpose he should immediately cause himself to be examined by a physician, preferably a medical officer of the Regular Army. The preliminary physical examination is of great importance to the candidate, as it should enable him to determine if he has any physical defect which might subsequently prevent his appointment.

(b) The presentation by an appointee of his letter of conditional appointment with a request for physical examination, or the presentation by a prospective appointee of a letter signed by a Member of Congress stating that the bearer is a candidate for cadet appointment and requesting that he be physically examined, will be sufficient authority for an Army surgeon at any military post to make the desired physical examination. The Army surgeon making the physical examination will inform the candidate upon the presentation of proper credentials, but before proceeding with the examination, that the examination is advisory only, has no official status, and that defects not found in this examination may develop prior to the regular examination, or then be discovered. After completion of this examination the Army surgeon will inform the candidate of the result and, in case a disability be found, whether such disability is believed to be permanent and disqualifying for military service or is believed to be of a temporary or curable nature.

(c) It should be clearly understood by the candidate that this examination is a preliminary one only and in no way commits or obligates the War Department to accept a candidate who is found by the regular medical examining board to have a physical defect which is considered by the board or by The Surgeon General to be disqualifying.\*† [Par. 41]

§ 75.21 *Regular physical examination.* The physical examination of a candidate begins after the conclusion of his last mental examination, and is continued daily until completed, but those candidates who upon reporting at the place of examination present evidence\* that they have been excused from the mental examination under the provisions of the certificate privilege, or as the result of having qualified mentally at a previous examination, are usually examined physically as soon as possible after reporting and are not required to wait until the schedule of mental examinations has been completed.\*† [Par. 42]

§ 75.22 *Physical requirements—(a) Hearing.* Hearing must be normal

(20/20) in each ear for the whispered voice and the ears must be free from acute or chronic disease. The following-named conditions are causes for rejection: The total loss of an ear, marked hypertrophy or atrophy, or disfiguring deformity of the organ; atresia of the external auditory canal, or tumors of this part; acute or chronic suppurative otitis media, or chronic catarrhal otitis media; mastoiditis, acute or chronic; existing perforation of the membrana tympani from any cause whatever.

(b) *Vision.* Vision as determined by the visual test types (without a cycloplegic) must not fall below 20/20 in either eye without glasses. Both eyes must be free from acute or chronic disease. Errors of refraction, if considered excessive, may be a cause for rejection even though the visual acuity falls within acceptable limits. Total hyperopia of more than two diopters in any meridian in either eye is cause for rejection.

The following-named conditions are also cause for rejection: Manifest disturbance of muscle balance; esophoria of more than 10 prism diopters, exophoria of more than 5 prism diopters, or hyperphoria of more than 1 prism diopter; impairment of the sense of color perception in a pronounced degree; trachoma, or xerophthalmia; chronic conjunctivitis; pterygium encroaching upon the cornea; complete or extensive destruction of the eyelids, disfiguring cicatrices, adhesions of the lids to each other or to the eyeball; inversion or eversion of the eyelids, or lagophthalmus; trichiasis, ptosis, blepharospasm, or chronic blepharitis; epiphora, chronic dacryocystitis, or lachrymal fistula; chronic keratitis, ulcers of the cornea, staphyloma, or corneal opacities encroaching on the pupillary area and reducing the acuity of vision below the standard noted above; irregularities in the form of the iris, or anterior or posterior synechiae sufficient to reduce the visual acuity below the standard; opacities of the lens or its capsule, sufficient to reduce the acuity of vision below the standard, or progressive cataract of any degree; extensive coloboma of the choroid or iris, absence of pigment, glaucoma, iritis, or extensive or progressive choroiditis, retinitis, detachment of the retina, neuroretinitis, optic neuritis, or atrophy of the optic nerve; loss or disorganization of either eye, or pronounced exophthalmus, pronounced nystagmus; or permanent or well-marked strabismus; diplopia, or night blindness; abnormal conditions of the eyes due to disease of the brain; malignant tumors of lids or eyeballs; asthenopia accompanying any ocular defect.

(c) *Teeth.* (1) No candidate will be accepted unless he has a minimum of 6 serviceable vital masticating teeth (bicuspid and molars) above and 6 below serviceably opposing and also 4 service-

able vital incisor teeth (incisors and cuspids) above and 4 below serviceably opposing. Therefore, the minimum requirement consists of a total of 12 masticating teeth and 8 incisor teeth, all of which must be so opposed as to serve the purpose of incision and mastication.

(2) Vital teeth properly filled with permanent filling material, or well crowned, will be considered serviceable if otherwise acceptable. A single tooth replacement by a standard method of bridge-work will be accepted in lieu of a serviceable vital tooth when the abutment teeth are otherwise acceptable and the bridge well constructed.

(3) A tooth will not be considered serviceable if it fails to enter into serviceable occlusion with an opposing tooth, if it has an unfilled cavity, if it supports a defective filling or crown, if it is nonvital, or if there is destruction of the supporting tissues of the tooth, such as results from chronic gingivitis, pyorrhea, etc.

(4) Causes for rejection are: Failure to meet the standard of minimum requirements outlined above; the loss of three adjoining masticating teeth in either side of the upper or lower jaw; disfiguring spaces between anterior teeth, such as result from the extraction of a tooth; marked irregularity of the teeth; and marked malocclusion. No candidate will be accepted until all cavities in the teeth have been filled with proper permanent fillings.

(d) *Physical proportions for height, weight, and chest measurement for all candidates except Filipinos.* (1) The requirements of the following tables of physical proportions are for growing youths and are for guidance in connection with the other data of the examination, a consideration of all of which will determine the candidate's physical eligibility. Mere fulfillment of the requirements of the standard tables does not determine eligibility.

Age	Height, inches	Weight, pounds			Chest measure at expiration, inches	
		Minimum	Standard	Maximum	Minimum	Standard
17 years.....	66	115	125	150	30.00	31.00
	67	119	129	155	30.25	31.25
	68	123	133	160	30.50	31.50
	69	127	137	164	30.75	31.75
	70	131	141	169	31.00	32.00
	71	135	145	174	31.25	32.25
	72	139	149	179	31.50	32.50
	73	143	153	184	31.75	32.75
	74	147	157	188	32.00	33.00
	75	151	161	193	32.25	33.25
	76	155	165	198	32.50	33.50
	77	159	169	203	32.75	33.75
18 years.....	66	117	127	152	30.25	31.25
	67	121	131	157	30.50	31.50
	68	125	135	162	30.75	31.75
	69	129	139	167	31.00	32.00
	70	133	143	172	31.25	32.25
	71	137	147	176	31.50	32.50
	72	141	151	181	31.75	32.75
	73	145	155	186	32.00	33.00
	74	149	159	191	32.25	33.25
	75	153	163	196	32.50	33.50
	76	157	167	200	32.75	33.75

\* The evidence must be in the form of an official communication from the War Department and must specify exemption from the mental examination of the current year.



Age	Height, inches	Weight, pounds			Chest measure at expiration, inches	
		Minimum	Standard	Maximum	Minimum	Standard
19 years	66	119	129	155	30.50	31.50
	67	123	133	160	30.75	31.75
	68	127	137	164	31.00	32.00
	69	131	141	169	31.25	32.25
	70	135	145	174	31.50	32.50
	71	139	149	179	31.75	32.75
	72	143	153	184	32.00	33.00
	73	147	157	188	32.25	33.25
	74	151	161	193	32.50	33.50
	75	155	165	198	32.75	33.75
	76	159	169	203	33.00	34.00
	77	163	173	208	33.25	34.25
20 years	66	121	131	157	30.75	31.75
	67	125	135	162	31.00	32.00
	68	129	139	167	31.25	32.25
	69	133	143	172	31.50	32.50
	70	137	147	176	31.75	32.75
	71	141	151	181	32.00	33.00
	72	145	155	186	32.25	33.25
	73	149	159	191	32.50	33.50
	74	153	163	196	32.75	33.75
	75	157	167	200	33.00	34.00
	76	161	171	205	33.25	34.25
	77	165	175	210	33.50	34.50
21 years	66	122	132	158	31.00	32.00
	67	126	136	163	31.25	32.25
	68	130	140	168	31.50	32.50
	69	134	144	173	31.75	32.75
	70	138	148	178	32.00	33.00
	71	142	152	182	32.25	33.25
	72	146	156	187	32.50	33.50
	73	150	160	192	32.75	33.75
	74	154	164	197	33.00	34.00
	75	158	168	202	33.25	34.25
	76	162	172	206	33.50	34.50
	77	166	176	211	33.75	34.75
22 years	66	123	133	160	31.00	32.00
	67	127	137	164	31.25	32.25
	68	131	141	169	31.50	32.50
	69	135	145	174	31.75	32.75
	70	139	149	179	32.00	33.00
	71	143	153	184	32.25	33.25
	72	147	157	188	32.50	33.50
	73	151	161	193	32.75	33.75
	74	155	165	198	33.00	34.00
	75	159	169	202	33.25	34.25
	76	163	173	208	33.50	34.50
	77	167	177	213	33.75	34.75

NOTE: Height to be taken without shoes, and weight without clothes.

(2) The age will be that of the birth-day nearest to the date of examination. Fractions greater than  $\frac{1}{2}$  inch in height will be considered as an additional inch, but candidates must be at least 66 inches in height.

(3) Medical examiners will recommend rejection of individuals who show poor physical development and those who appear to be undesirable candidates because of excess fat, even though their measurements may come within the figures stated in the above table. In such instances, the report will show in detail the findings upon which recommendation for rejection is based.

(4) Recommendations for waiver of excess weight should be made in cases in which the general appearance and conformation of the candidate and the rest of the examination clearly indicate that he is of the robust type and that there is no tendency to obesity, endocrine imbalance, cardiovascular disease, or other defect which is likely to shorten the period of useful active service normally expected of an Army officer. (Par. 1, AR 40-100, Sept. 10, 1940, as amended by Sec. II, Cir. 4, W. D., Jan. 6, 1941)

(e) Minimum standards for Filipino applicants only.

Height	Weight	Chest measurement—expiration
Inches	Pounds	Inches
59	100	28½
60	101	28¾
61	102	29
62	103	29¼
63	105	29½
64	107	29¾
65	110	30
66	113	30¼
67	118	30½
68	124	30¾
69	127	31
70	130	31¼

\*† [Pars. 43, 44, 45]

§ 75.23 Admission to the academy—  
(a) Date of admission. Candidates who fully conform to the requirements set forth in the preceding paragraphs, and who report in person to the superintendent on the first week day in July, before 12 m., shall be admitted as cadets to the United States Military Academy and shall receive their warrants of appointment as soon as practicable. Candidates are received beginning at 8 a. m., and it is to their advantage to report as soon as practicable after that hour. Facilities are not available for the housing and feeding of new cadets reporting before that time. The Military Academy operates on daylight-saving time beginning the last Sunday in April.

(b) No cadet to be married. No married person or person who has been married shall be admitted as a cadet; and if any cadet shall be married prior to graduation, such marriage shall be considered as equivalent to a resignation and he shall be required to leave the institution.

(c) Engagement to serve. Immediately after reporting to the superintendent for admission, and before receiving their warrants of appointment, candidates are required to sign, in the presence of the superintendent or of some officer deputed by him, engagements for service in the following form:

I, \_\_\_\_\_, of the State (or Territory) of \_\_\_\_\_, aged \_\_\_\_\_ years, \_\_\_\_\_ months, do hereby engage (with consent of my parent or guardian) that from the date of my admission as a cadet of the United States Military Academy I will serve in the Army of the United States for 8 years unless sooner discharged by competent authority.

In the presence of \_\_\_\_\_

In the case of the Filipino cadets the engagement shall be made to serve in the Philippine Scouts. (See sec. 1321, R.S.)

(d) Oath of allegiance. Each cadet shall, previous to his admission to the academy, take and subscribe an oath or affirmation in the following form:

I, \_\_\_\_\_, do solemnly swear that I will support the Constitution of the United States and bear true allegiance to the National Government; that I will maintain

and defend the sovereignty of the United States paramount to any and all allegiance, sovereignty, or fealty I may owe to any State, county, or country whatsoever; and that I will at all times obey the legal orders of my superior officers and the rules and articles governing the Armies of the United States (sec. 1320, R.S.).

Sworn to and subscribed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, nineteen hundred and \_\_\_\_\_, before me,

\*† [Pars. 46, 47, 48, 49]

§ 75.24 Deposit upon entrance. Immediately after admission each candidate must be provided with an outfit of uniform, etc., the cost of which is about \$300. This sum must be deposited with the treasurer of the academy before the candidate is admitted. It is best for the candidate to take with him no more money than he needs for traveling expenses and for his parents to send the required deposit by draft, payable to the treasurer, United States Military Academy. The deposit is credited at once to the cadet's account. Upon graduation a cadet who has exercised proper economy will have sufficient money to his credit with the treasurer of the academy to purchase his uniform and equipment as an officer. Cadets are allowed 5 cents a mile for travel expenses from their homes to the Military Academy, as indicated in § 75.25. This money is credited to their accounts after they have actually become cadets. This money usually is retained on the cadet's account to his credit, and his account is thereby in much better condition when he desires money for his first leave. If parents desire to be reimbursed for the money advanced their sons to make the trip to West Point, the mileage allowance may be sent to them, providing the cadet makes written request to the Superintendent of the Military Academy.\*† [Par. 50]

§ 75.25 Pay of cadets. (a) The pay of a cadet is \$780 per year and commutation of rations at 75 cents per day, to commence with his admission to the academy. The total is \$1,053.75.

(b) Mileage, at 5 cents per mile, while proceeding from his home to the Military Academy, is credited to the account of each cadet after his admission to the academy, except when War Department orders directing him to proceed to the Military Academy are received at a place other than his home and nearer to the Military Academy; in such cases the account will be credited with mileage only from the place of receipt of orders to report to the Military Academy.

(c) A cadet's initial deposit, together with his salary, is sufficient to meet his actual needs at the academy. It is not sufficient, however, to meet, in addition, the expenses of leaves of absence, especially if these involve considerable travel.

(d) Obtaining money from outside sources is regarded with disfavor, unless it be for the purpose of liquidating indebtedness at the cadet store or of de-



fraying the expenses of a leave of absence.\*† [Par. 51]

§ 75.26 *Uniform and supplies.* Cadets are required to wear the prescribed uniform. All articles of their uniform and equipment, including bedding, shoes, and underwear, are of a designated pattern, and are sold to cadets at West Point at regulated prices. It is not necessary for candidates to make special preparation for their stay at the academy, although there is no objection to their bringing with them such supplies of underwear, toilet accessories, etc., as they may have. Should a trunk be brought, it should be of the Army trunk locker type, 29¾ by 16 by 12 inches in size, and in good condition. If a candidate does not have such a trunk, he should wait until his arrival at the academy to procure one. Everything needed can be secured from the cadet store at West Point.\*† [Par. 52]

[SEAL]

E. S. ADAMS,  
Major General,  
The Adjutant General.

[F. R. Doc. 41-571; Filed, January 25, 1941;  
9:50 a. m.]

#### PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS<sup>1</sup>

##### § 81.3 *Taxes.*

##### (c) *Federal taxes.*

(3) *Contracts under the General Schedule of Supplies.* All contracts under the General Schedule of Supplies, Procurement Division, Treasury Department, covering items subject to Federal taxes, with the exception of contracts for gasoline, contain the tax provision quoted in paragraph (a). Some of those contracts cover items on which the tax rates were increased for national preparedness, after the bid opening date, by the Revenue Act of 1940. With regard to these latter-mentioned contracts, contractors are entitled to payment of any additional amounts due, under the tax condition referred to, on account of defense taxes, rather than to the issuance of tax exemption certificates, since their bids in such cases are inclusive of tax at the old rates. The old rates are shown in paragraph (c) (1). Should information as to bid opening dates be necessary in cases where claims are presented under the tax condition referred to, request for such information will be submitted to the Assistant Secretary of War, through the chief of supply arm or service concerned. (Sec. 5, 41 Stat. 764, 765; 10 U.S.C. 1193) [Proc. Cir. 3, W.D., Jan. 17, 1941]

[SEAL]

E. S. ADAMS,  
Major General,  
The Adjutant General.

[F. R. Doc. 41-597; Filed, January 27, 1941;  
10:46 a. m.]

<sup>1</sup> § 81.3 (c) (3) is added.

#### TITLE 17—COMMODITY AND SECURITIES EXCHANGES

##### CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

##### PART 250—GENERAL RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

##### EXEMPTION FOR SUBSIDIARIES OF REGISTERED HOLDING COMPANIES ENGAGED IN CERTAIN NON-UTILITY BUSINESSES AND FOR REGISTERED HOLDING COMPANIES AS TO TRANSACTIONS WITH SUCH SUBSIDIARIES

Acting pursuant to the Public Utility Holding Company Act of 1935, particularly sections 3 (d), 9 (c), 12 (b), 12 (f) and 20 (a) thereof, and finding that such action is necessary or appropriate in the public interest and not contrary to the purposes of said Act, the Securities and Exchange Commission adopts § 250.3d-15 (Rule U-3D-15) to read as follows:

§ 250.3d-15 *Exemption for subsidiaries of registered holding companies engaged in certain non-utility businesses and for registered holding companies as to transactions with such subsidiaries.* (a) If at the time of registration of any holding company, subsidiaries of such holding company are substantially engaged or interested through subsidiaries in any branch of the petroleum business or in any business accessory thereto, in the real estate business, or in the production or transportation of natural gas, any subsidiary of such registered holding company which is so engaged or interested and is not a public utility or holding company shall be exempt from all duties, obligations and liabilities imposed upon it as such subsidiary by the Act and Rules, except those imposed by the following sections of the Act and Rules thereunder:

(1) Section 6 (c) (sec. 6, 49 Stat. 814; 15 U.S.C. 79f) and section 8 (sec. 8, 49 Stat. 817; 15 U.S.C. 79h).

(2) Section 9 (a) (sec. 9, 49 Stat. 817; 15 U.S.C. 79i) and section 10 (sec. 10, 49 Stat. 818; 15 U.S.C. 79j) insofar as they relate to (a) the acquisition of utility assets, (b) the acquisition of an interest in any business other than a business in which such subsidiary company is substantially engaged or interested through subsidiaries, (c) the acquisition of securities (other than securities acquired from customers in the ordinary course of business) issued by a person not substantially engaged in one of the above described businesses in which such subsidiary company is also substantially engaged or interested through subsidiaries, or (d) the acquisition of securities issued by a public utility or holding company.

(3) Section 11 (b) sec. 11, 49 Stat. 820; 15 U.S.C. 79k).

(4) Any order of the Commission under section 12<sup>1</sup> of the Act; any Rule under section 12<sup>1</sup> of the Act which may be applicable to the lending or in any manner extending of credit to or indemnifying any company which is a public utility or holding company or applicable to the declaration of dividends; section 12 (h)<sup>1</sup> and section 12 (i)<sup>1</sup>.

<sup>1</sup> Sec. 12, 49 Stat. 823; 15 U.S.C., 79l.

ity or holding company or applicable to the declaration of dividends; section 12 (h)<sup>1</sup> and section 12 (i)<sup>1</sup>.

(5) Section 13 (sec. 13, 49 Stat. 825; 15 U.S.C. 79m) insofar as applicable to any transaction with any associate companies not of the class entitled to an exemption under this paragraph (a); and any order of the Commission under section 15 of the Act (sec. 15, 49 Stat. 828; 15 U.S.C. 79o).

(6) Sections 16 (sec. 16, 49 Stat. 829; 15 U.S.C. 79p) and 17 (sec. 17, 49 Stat. 830; 15 U.S.C. 79q).

(7) Any of the administrative sections of the Act (Sections 18-29 (sec. 18-29, 49 Stat. 831 to 836; 15 U.S.C. 79r to 79z-3)), which may become applicable in connection with any of the matters excluded under items 1-6 inclusive above from the exemption under this paragraph (a).

(b) Any such holding company shall be exempt as such from section 9 (a) (sec. 9, 49 Stat. 817; 15 U.S.C. 79j) of the Act, with respect to the acquisition of securities issued to it by any subsidiary company under the exemption provided by paragraph (a) of this Rule, and from any Rule of the Commission under section 12 (b)<sup>1</sup> or 12 (f) of the Act, with respect to any other transaction with any such subsidiary: *Provided, however,* That the total aggregate investment of such holding company as existing at the date of its registration in all subsidiaries of the class entitled to exemption under paragraph (a) of this rule shall not be increased by reason of any acquisitions or transactions permitted under this paragraph (b).

(c) *Availability and duration of exemption.* The exemptions granted to holding companies by this rule shall only be available to any holding company which registers after the effective date of this rule. The exemptions granted to subsidiary companies by this rule shall only be available to (1) any company which was not a subsidiary of any registered holding company on such date; and (2) any company which was a subsidiary of a registered holding company on such date but was then exempt from any obligation imposed on it as a subsidiary of such registered holding company by reason of the pendency of an application filed in good faith pursuant to section 2 (a) (8)<sup>2</sup> of the Act. At any time after three months from the date of such registration such exemption may be terminated and this Rule repealed or modified, in whole or in part, as to any such holding company or any of its subsidiaries upon thirty days' prior notice to such holding company, if the Commission deems the further continuance of such exemption or this Rule to be detrimental to the public interests or the interest of investors or consumers.

(Sec. 3, 49 Stat. 810; 15 U.S.C. 79c; Sec. 9, 49 Stat. 817; 15 U.S.C. 79i; Sec. 12, 49 Stat. 823; 15 U.S.C. 79l; Sec. 20, 49 Stat. 833; 15 U.S.C. 79t) [Gen. Rules

<sup>2</sup> Sec. 2, 49 Stat. 804; 15 U.S.C., 79b.



& Regs., Rule U-3D-15, effective January 24, 1941]

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-572; Filed, January 25, 1941;  
11:22 a. m.]

**PART 270—INVESTMENT COMPANY ACT OF  
1940 AMENDMENT TO TEMPORARY EXEMPTION  
FROM SECTION 19**

Acting pursuant to the Investment Company Act of 1940, particularly sections 6 (c) and 38 (a) thereof, and deeming the extension of the temporary exemption provided in § 270.6c-6 *Temporary exemption from section 19*,<sup>1</sup> (Rule N-6C-6) appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act, the Securities and Exchange Commission hereby amends said § 270.6c-6 (Rule N-6C-6) by striking out the words "January 31, 1941" wherever they appear in said rule as heretofore amended, and by inserting in lieu thereof the words "February 28, 1941."

Effective January 25, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-576; Filed, January 25, 1941;  
11:21 a. m.]

**TITLE 25—INDIANS**

**CHAPTER I—OFFICE OF INDIAN  
AFFAIRS**

**PART 130—ORDER FIXING OPERATION AND  
MAINTENANCE CHARGES**

**AMENDMENT OF THE ORDER FIXING OPERATION AND MAINTENANCE CHARGES ON THE COLORADO RIVER INDIAN IRRIGATION PROJECT, ARIZONA**

JANUARY 15, 1941.

The Order of the Assistant Secretary of the Interior approved on November 25, 1936 (25 CFR 130.6-130.8), as amended by the Assistant Secretary of the Interior on February 21, 1939 (4 F.R. 1119), fixing operation and maintenance charges on the Colorado River Indian Irrigation Project, Arizona, is further amended to read as follows:

§ 130.6 *Basic water charge.* In compliance with the provisions of the Act of August 1, 1914 (38 Stat. 583; 25 U.S.C. 385), the annual basic charge against the land to which water can be delivered, under the Colorado River Indian Irrigation Project in Arizona, for the operation and maintenance of that project, is hereby fixed until further notice at \$4.50 per acre for the delivery of not to exceed three acre-feet of water per acre per annum.\*

\*§§ 130.6 to 130.8b, inclusive, issued under authority contained in 38 Stat. 583, 45 Stat. 210; 25 U.S.C. 385, 387.

<sup>1</sup> 5 F.R. 5277.

§ 130.7 *Excess water charge.* For the delivery of water in excess of three acre-feet per acre per annum, additional charges are hereby fixed as follows:

For the delivery of the fourth acre-foot of water, or fraction thereof, per acre per annum, \$2 per acre-foot.

For the delivery of the fifth acre-foot of water, or fraction thereof, per acre per annum, \$2.50 per acre-foot.

For the delivery of each additional acre-foot of water, or fraction thereof, in excess of five acre-feet per acre per annum, \$3 per acre-foot.

§ 130.8 *Payment.* The basic water charge fixed in Section 130.6 is due on March 1 of each year, and shall be payable on or before that date.

The excess water charge is payable at the time the written request is made for the delivery of water in excess of the minimum three acre-feet per acre per annum and must be paid prior to the delivery of excess water.

No water shall be delivered for use on Indian trust lands under lease until after the Superintendent of the Indian reservation has certified to the Project Engineer that the lessee has paid the annual operation and maintenance charges and complied with all terms of the lease contract.\*

§ 130.8a *Payment waived.* Advance payment of the basic and excess water charges may be waived and water may be delivered to trust lands farmed by Indians who are financially unable to pay the charges, when (a) the land is planted to crops other than cotton, (b) the land planted to cotton does not exceed five acres, and (c) the Superintendent certifies to the financial status of the Indian and to the factual requirements of (a) and (b). Water may be delivered upon payment of 50 percent of the charges provided in §§ 130.6 and 130.7 upon issuance of a certificate by the Superintendent setting out that while more than five acres of trust land are planted to cotton the Indian is financially able to pay only one-half of such charges. Certificates by the Superintendent shall be issued only in proper cases. All unpaid charges are a lien on the land, and the amount thereof shall be entered on the accounts without penalty.\*

§ 130.8b *Water users responsible for water after delivery.* It is the duty of the Indian Irrigation Service to furnish available water for beneficial irrigation use only. It is the duty of all water users of the project to aid in the prevention of the waste of water and of damage to adjacent lands. The water users are responsible for the water after it has been delivered to their lands, and are required to have their field ditches of proper capacity and in suitable condition for the use of economical heads of water.\*

OSCAR L. CHAPMAN,  
Assistant Secretary.

[F. R. Doc. 41-592; Filed, January 27, 1941;  
10:44 a. m.]

**TITLE 30—MINERAL RESOURCES  
CHAPTER III—BITUMINOUS COAL  
DIVISION**

[Docket No. A-375]

**PART 318—MARKETING RULES AND REGULATIONS INCIDENTAL TO THE SALE AND DISTRIBUTION OF COAL BY CODE MEMBERS WITHIN ALL DISTRICTS**

**ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE AMENDMENT TO AND THE MODIFICATION OF THE MARKETING RULES AND REGULATIONS INCIDENTAL TO THE SALE AND DISTRIBUTION OF COAL BY CODE MEMBERS IN ALL DISTRICTS, PETITION OF THE CITY OF DETROIT FOR RELIEF IN RESPECT TO RULE 1 (A) OF SECTION VII OF THE MARKETING RULES AND REGULATIONS**

A verified petition, amendment thereto, and affidavit in support thereof, pursuant to section 4II (d) of the Bituminous Coal Act of 1937, having been duly filed with the Division by the above named party, and served upon district boards for Districts Nos. 2, 4, 7, and 8, requesting a modification of Rule 1 (A) of section VII of the Marketing Rules and Regulations in regard to shipments of coal to the City of Detroit, Michigan; and

It appearing from said amended petition and affidavit in support thereof that the City of Detroit, as a necessary governmental function, owns and operates a large number of public buildings, offices, and structures as well as street lighting lamps, fire alarm systems, and traffic control systems, charitable, correctional, educational and welfare institutions, and that in the operation of these buildings and institutions the City of Detroit directly consumes approximately 250,000 tons of bituminous coal annually; that the coal purchased by the City of Detroit must first be sampled and analyzed and then reported to the Department of Purchases and Supplies, and that such procedure, including the time required by the railroads to make delivery, consumes a minimum of two weeks; that after the audit is made in the Department of Purchases and Supplies of each carlot billing, it is immediately referred to the City Comptroller for approval, preparation of voucher, application against the proper city fund and submission to the City Council for authority to pass payment, and that this requires at least one additional week; that, after the City Council passes the invoice for payment, the City Charter requires a period of one week for a possible reconsideration and Mayor's veto before the check can be mailed, and, that a minimum of four weeks from the date the coal leaves the mine is required in each case before payment may be made; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above entitled matter, and no opposition to



granting the relief requested having been made by any interested party; and

The Director deeming it necessary in order to effectuate the purposes of the Act.

It is ordered, That, pending final disposition of the above entitled matter, temporary relief be and the same hereby is granted as follows: Commencing forthwith, § 318.7 Terms of payment (1) is amended to read as follows:

(1) On all rail, river, ex-river or truck shipments, the date of payment of invoices for coal sold shall be on or before the 20th day of the month following the month in which shipment was made: *Provided, however,* That this period of credit may be enlarged with respect to coal sold to the City of Detroit, Michigan, for rail, river, ex-river, or truck shipments so that the date of payment shall be not later than 40 days from the date of shipment.

It is further ordered, That pleadings in opposition to the petition in the above entitled matter, and applications to stay, terminate, or modify the temporary relief herein granted, may be filed with the Division within 30 days from the date of this order, pursuant to Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final forty-five (45) days from the date of this order, unless the Director shall otherwise order.

Dated: January 24, 1941.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 41-590; Filed, January 25, 1941;  
12:48 p. m.]

[Docket No. A-515]

PART 321—MINIMUM PRICE SCHEDULE,  
DISTRICT NO. 1

ORDER GRANTING TEMPORARY RELIEF AND  
CONDITIONALLY PROVIDING FOR FINAL RE-  
LIEF IN THE MATTER OF PETITION OF

DISTRICT BOARD 1 FOR ESTABLISHMENT OF  
PRICE CLASSIFICATIONS AND MINIMUM  
PRICES FOR COALS OF CERTAIN MINES IN  
DISTRICT NO. 1 NOT HERETOFORE CLASSI-  
FIED AND PRICED

A petition pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment of price classifications and minimum prices for the coals of certain mines in District No. 1 not heretofore classified and priced; and

The Director having fully considered said petition and the data in support thereof,

Now, therefore, it is ordered, That a reasonable showing of the necessity therefor having been made, pending final disposition of the petition in the above-entitled matter, temporary relief be, and it hereby is, granted as follows:

Commencing forthwith, §§ 321.7, 321.24 and 321.32 are amended by adding thereto the supplements dated January 11, 1941, which are hereinafter set forth.

It is further ordered, That applications to stay, terminate or modify this temporary order, or pleadings in opposition to the final relief requested in said petition, may be filed within forty-five (45) days hereof, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division and proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, and that this order and the relief herein granted shall become final sixty (60) days from the date hereof unless the Director shall otherwise order.

Dated: January 11, 1941.

[SEAL]

H. A. GRAY,  
Director.

TEMPORARY SUPPLEMENT—TEMPORARY EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1

SUBPART A—ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 Alphabetical list of code members

NOTE: The material contained in this Temporary Supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321—Minimum Price Schedule for District No. 1 and Supplements thereto.

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

Mine index No.	Code member	Mine name	Subdistrict No.	Seam	Freight origin group No.	1	2	3	4	5
1078	Berkey, Joe (Windber Knob Coal Co.)	Windber Knob #2	34	B	40	A		A	A	
672	Bolter Coal Mining Co.	Bolter	13	D	49			D		
1179	Cambria-Lochrie Coal Co.	Cambria-Lochrie #1	29	C	48			F		
1180	Cambria-Lochrie Coal Co.	Cambria-Lochrie #2	29	B	48			F		
1314	Eck Bros. (Joseph W. Eck)	Eck	4	B	11	G	G	E	H	H
662	Engle and Albright (Samuel E. Engle)	Selden	41	Sew	102			E		
2614	Eshbaugh & Sweitzer Coal Co. (Clair J. Sweitzer)	Twin Oak	4	D & E	75	G	G	G	H	H
694	Forsyth, H. M.	Carnwath #2	13	E	44	F	F	F	F	F
664	Freebrook Corporation	Freebrook #7	5	B	119			E		
456	Hersker, John	Shade	42	E	101			E		
673	Hopkins, O. P.	Gonzales	9	C	44			E		
670	Jackson Brothers	Jackson Bros. #2	22	E	112			F		
576	Lohr & Son, David S. (Eugene F. Lohr)	Lohr's Mine	37	D	100	B				C
305	McNitt Coal Company, The	McNitt #2	43	Tyson	66	E			E	E
679	Maryland Fuel Company	Maryland #1	43	Tyson	67	E			E	E
144	Straittiff, D. W.	D. W. Straittiff	6	E	119	F			F	F

1 Additional classifications.







## SUBPART C—TRUCK SHIPMENTS FOR SUBDISTRICT NO. 1 ONLY

§ 321.32 General prices in cents per net ton for shipment into any market area

Code member index	Mine index No.	Mine	Seam	Base sizes										
				Lump over 4"	Lump 4"	Lump 3"	Lump 2"	Eggs 2" x 4"	Stove 1" x 4"	Pea 3/4" x 1 1/4"	Run of mine	2" N/S	1 1/4" slack	3/4" slack
				1	2	3	4	5	6	7	8	9	10	11
SUB-DISTRICT NO. 1														
CLARION AND JEFFERSON COUNTIES														
Davis, John G.	2843	Davis	A'	310	290	275	255	250	235	220	220	170	170	160
Eshbaugh, Floyd	2836	Eshbaugh	B	315	295	280	265	255	240	225	225	175	175	165
Keister, Wesley	2833	Keister	B	315	295	280	265	255	240	225	225	175	175	165
M & O Coal Co., (R. H. Oliver).	2801	McDonald	B	315	295	280	265	255	240	225	225	175	175	165
Rapp & Hartle (Fred Rapp).	2775	Hess	A'	310	290	275	255	250	235	220	220	170	170	160
Sharp, Homer	2858	Sharp	A'	310	290	275	255	250	235	220	220	170	170	160
Show, Hubert & John Sharp.	2832	P. M. Stratman	B	315	295	280	265	255	240	225	225	175	175	165
Smith & Elliott	2846	J. W. Cowan	B	315	295	280	265	255	240	225	225	175	175	165

[F. R. Doc. 41-559; Filed, January 24, 1941; 11:43 a. m.]

[Docket No. A-464]

PART 329—MINIMUM PRICE SCHEDULE  
DISTRICT NO. 9

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 9 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 9 NOT HERETOFORE CLASSIFIED AND PRICED

A petition pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment of price classifications and minimum prices for the coals of certain mines in District No. 9 not heretofore classified and priced; and

The Director having fully considered said petition and the data in support thereof,

Now, therefore, it is ordered, That a reasonable showing of the necessity therefor having been made, pending final

disposition of the petition in the above-entitled matter, temporary relief be, and it hereby is, granted as follows: Commencing forthwith, § 329.24 General prices in cents per net ton for shipment into any market area is amended by adding thereto the supplement dated January 14, 1941 which is hereinafter set forth.

It is further ordered, That applications to stay, terminate or modify this temporary order, or pleadings in opposition to the final relief requested in said petition, may be filed within forty-five (45) days hereof, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division and proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, and that this order and the relief herein granted shall become final sixty (60) days from the date hereof unless the Director shall otherwise order.

Dated: January 14, 1941.

[SEAL]

H. A. GRAY,  
Director.

## TEMPORARY SUPPLEMENT

## SUBPART B—TRUCK SHIPMENTS

NOTE: The material in this Temporary Supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 329—Minimum Price Schedule for District No. 9 and Supplements thereto.

§ 329.24 General prices in cents per net ton for shipment in any market area

Code member index	Mine index No.	Prices and size group Nos.																											
		1	2	3	4	5	6	7	8	9	10, 11, 12	13, 14	15	17	18, 19, 20	21, 22	23, 24	25	26, 27	28, 29									
HANCOCK COUNTY																													
Morgan, Edgar.....	833	205	195	185	175	170	160	160	150	140	110	50															120	115	
MUHLENBERG COUNTY																													
Bobbitt & O'Neal.....	832	205	195	185	175	170	160	160	150	140	110	50															120	115	
UNION COUNTY																													
Rehm, R. R.....	831	205	195	185	175	170	160	160	150	140	110	50															120	115	

[F. R. Doc. 41-589; Filed, January 25, 1941; 12:48 p. m.]

TITLE 47—TELECOMMUNICATION  
CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

## PART 3—RULES GOVERNING SHIP SERVICE

## ADDITIONAL REGULATIONS AND AMENDMENTS

The Commission on January 21, 1941, effective immediately, took the following actions:

Adopted the following new sections to read:

§ 8.133 Approval of automatic-alarm-signal keying device. To be approved by the Commission, an automatic-alarm-signal keying device shall comply with all provisions of its "Automatic-Alarm-Signal Keying Device Requirements and Type Approval Tests", promulgated under date of January 21, 1941.

## Auxiliary Equipment

§ 8.33 Automatic-alarm-signal keying device. The term "automatic-alarm-signal keying device" means a device capable of automatically keying the radiotelegraph transmitter(s) on board a ship so as to transmit the international automatic-alarm signal, as this signal is specified by the International General Radio Regulations.

Amended § 8.115 (g) to read:

§ 8.115 Requirements of emergency or reserve installation.

(g) No electrical load circuits of any description, except those of the emergency installation, shall be connected directly or indirectly to the emergency power supply: *Provided*, That an approved automatic-alarm-signal keying device may be connected to the emergency power supply in which event the reserve capacity of this power supply shall include the additional capacity required to energize the automatic-alarm-signal keying device continuously during a period of one hour.

Amended § 8.118 by designating existing section "Tests of emergency installation" as (a) and adding new paragraph (b) to read as follows:

(b) When an automatic-alarm-signal keying device is installed in accordance with § 8.131, this device shall be operated to determine that it is in efficient operating condition prior to the vessel's departure from each port (but not necessarily more than once each day) and on each day the vessel is outside a harbor or port. To avoid the actual transmission of auto-alarm signals during such test operation, the radiotelegraph transmitter(s) to which this device is connected shall not be energized.

Amended the following section to read:

§ 8.131 Automatic-alarm-signal keying device required. (a) Beginning January 1, 1942, each passenger ship of the United States, of over 3,000 gross tons, and beginning January 1, 1943 each ship of the United States, which is subject to title III, part II, of the Communications Act of 1934, as amended, shall be fitted



with one or more automatic-alarm-signal keying devices, approved by the Commission in accordance with § 8.133.

(b) The automatic-alarm-signal keying device(s) shall be installed in the radio room so as to be capable of automatically keying alternatively either the main or the emergency transmitter. When only one automatic-alarm-signal keying device is installed for this purpose, means shall be provided in the radio operating room for instantly using this device to key alternatively either the main transmitter or the emergency transmitter: *Provided*, That whenever one transmitter is employed as both a main and emergency transmitter on board a cargo vessel, this requirement will be satisfied when the automatic-alarm-signal keying device is capable of automatically keying this transmitter only.

(c) The automatic-alarm-signal keying device shall be installed in an accessible location in the radio room so as to be capable of operating automatically for a continuous period of at least one hour from a source of power independent of the propelling power of the ship and independent of any source of power other than the emergency power supply<sup>1</sup> or the storage battery used to energize a required automatic-alarm receiver, and shall be furnished with a durable nameplate bearing type and serial number and the month and year of completion by the manufacturer. Only one control shall be provided for starting and stopping the automatic-alarm-signal keying device, which control shall be located in the radio room.

Amended Section 8.212 (b) by deleting the word "auxiliary" immediately preceding the word "antenna."

(Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i)—Sec. 318, 48 Stat. 1089, as amended by 50 Stat. 56; 47 U.S.C. 318)

Approved the following Automatic Alarm-Signal Keying Device Requirements and Type Approval Tests:

#### General

Section 8.131 of the Rules Governing Ship Service requires that beginning January 1, 1942, each passenger ship of the United States of over 3,000 gross tons, and beginning January 1, 1943 each ship of the United States which is subject to title III, part II, of the Communications Act of 1934, as amended, shall be fitted with one or more automatic-alarm-signal keying devices, *approved by the Commission* for the purpose of automatically keying alternatively either the main or the emergency transmitter so as to transmit the international automatic alarm signal in the event of distress. This signal is intended to operate automatic-alarm receivers installed on board ocean-going vessels in accordance with the provisions of the Communications Act of 1934, as amended; the International Convention for the Safety of Life at Sea, London,

1929; and the General Radio Regulations, Cairo, 1938.

The approval by the Federal Communications Commission of an automatic-alarm-signal keying device for installation and use on ships of the United States is conditional upon compliance with the requirements hereinafter specified. The installation and availability of an approved automatic-alarm-signal keying device in a ship station is not to be construed as relieving any first-class or second-class radiotelegraph operator licensed by the Commission from the responsibility of transmitting, subject to the direction of the master,<sup>2</sup> the international automatic alarm signal (either by means of an installed automatic-alarm-signal keying device, or by hand) and the international distress signal, as may be necessary on board a ship of the United States in time of distress.

In approving a device intended to be used in compliance with § 8.131 of its rules, the Commission recognizes that the type of automatic-alarm-signal keying device so approved has the inherent capability of functioning in compliance with §§ 8.32 and 8.131 of the rules when this device is properly installed, maintained and operated.

No change whatsoever will be permitted in the automatic-alarm-signal keying devices used for compliance with § 8.131 of the rules under the type approval identification issued by the Commission, except when the manufacturer or person responsible for the ship station is specifically authorized by the Commission to make such change(s). When it is desired to make any change, an application therefor, together with pertinent detailed information shall be submitted to the Commission for consideration and appropriate action.

Type approval of an automatic-alarm-signal keying device, when given by the Commission, may be for a limited period of time only, and is subject to withdrawal if the device proves defective in service and cannot be relied upon under usual conditions of maintenance and operation encountered on board ships at sea. Withdrawal of approval means that no further devices of the particular type affected may be installed for compliance with § 8.131 of the Commission's Rules, but will not immediately apply to such devices already installed unless it is found that there has been an unauthorized change in design or construction, or the material or workmanship is defective.

#### Basic Requirements

1. The automatic-alarm-signal keying device may consist of one or more units, either separate and distinct from other units of the ship's radio installation or may be incorporated, if approved by the Commission, as part of any other unit.

2. The device shall be designed so as to properly operate, on board ships at

sea, the normal keying circuits of any transmitter approved by the Commission for use as a main or as an emergency transmitter in compliance with section 354 of the Communications Act of 1934, as amended.<sup>3</sup>

3. Timing-adjustment controls shall not be accessible from the exterior of the device and shall be designed and housed so as to prevent adjustment by unauthorized persons.

4. The keying mechanism shall operate so as to repeatedly transmit the international automatic alarm signal. For this purpose the dashes transmitted shall have a duration within the limits of 3.8 to 4.2 seconds, and spaces between each of the twelve dashes constituting a series shall have a duration within the limits of 0.8 to 1.2 seconds. Spaces between each series of twelve dashes shall have a duration within the limits of 0.8 second to one minute.

5. A single control, protected so as to avoid accidental manipulation, shall be provided for placing the device itself into full operation within a maximum period of 30 seconds. Once set into operation, the device shall be capable of continuously and properly operating without further attention for a period of not less than one hour.

6. The automatic-alarm-signal keying device shall be capable of being energized solely by a source of power independent of the propelling power of the ship and independent of any other system: *Provided, however*, That the device may be energized by the radio station emergency power supply and any storage battery power supply regularly used for operating a required automatic alarm receiver.

7. When the proper operation of the device is dependent upon the maintenance of any inherent conditions of operation within relatively narrow limits, the Commission, as a provision of its approval, may prescribe such limits and require that the device shall include means for indicating to the operator when deviations from these conditions occur.

8. Instructions concerning the proper adjustment of the device and the correct indication of any instrument incorporated for the purpose of revealing improper operation, shall be inscribed in a durable manner on a plate mounted on a device in a position to be easily read by the operator.

9. Means shall be provided to insure that when the "on-off" control of the device is placed in the "off" position, the keying circuit to the radio transmitter(s) is automatically opened.

#### Construction

1. The automatic-alarm-signal keying device shall be capable of withstanding constant and severe vibrations equivalent to those which may be experienced at sea on board ship under the worst possible conditions; i. e. roll and pitch

<sup>1</sup> See § 8.11 defining emergency power supply.

<sup>2</sup> See Article 11 of the General Radio Regulations of Cairo, 1938, Section 358 of the Communications Act of 1934, as amended, and § 13.64 of the Rules of the Commission.

<sup>3</sup> A list of transmitters approved by the Commission for this purpose will be furnished upon request.



corresponding to that of a ship in heavy weather, and any other conditions experienced on board ship; and shall be capable of remaining in good operating condition in service on board ships at sea. This requirement applies only to use of the device on board vessels of the pre-vailing type subject to the provisions of title III, part II of the Communications Act.

2. Simplicity and adequate design and construction detail to eliminate mechanical and electrical failures under operating conditions will be a controlling factor in arriving at a decision by the Commission as to approval of a particular device.

3. The device shall be capable of operating properly in ambient temperatures ranging between zero Centigrade and plus 50 degrees Centigrade, and shall not be adversely affected by sudden changes in temperature, by relative humidity as high as 95 percent, nor by salt atmosphere.

4. Condensers, transformers, and electromagnet coils or other units used as components of the device shall not contain compounds which will flow at temperatures below 75 degrees Centigrade; which tend to crack at any temperature above zero Centigrade; which are hygroscopic; or which contain any corrosive substance.

5. The construction of keying contacts shall be such that the metal used for these contacts shall remain free of corrosion (platinum or silver recommended) and the mechanical action shall provide a wiping contact tending to remove oxide and brighten the contact surfaces.

6. A durable nameplate shall be mounted on each device showing the name of the manufacturer, the type and serial number, and the month and year of completion by the manufacturer. However, this nameplate need not be provided on a working model submitted to the Commission for test and approval.

#### Testing and Approval

Before an automatic-alarm-signal keying device is approved by the Commission, a working model of the particular type for which approval is desired shall be submitted for inspection, and it shall be demonstrated by means of suitable type tests that it complies with these requirements. The model equipment will be operated in these tests in the same way and under conditions similar to those encountered in actual service. In connection with such tests, the manufacturer shall supply all instructions and/or services which are intended to be supplied to the purchaser of the equipment, including a proposed instruction book and a tentative list of spare parts as would normally be supplied with shipboard installations.

Failure to pass any specified test may result, by order of the Commission, in the discontinuance of all tests on the particular device involved and in the immediate rejection thereof: *Provided*, That the Commission, within its discretion, may relax to a reasonable extent the provisions of Manufacturers' Text

No. 5 with respect to an automatic-alarm-signal keying device which is included as an integral part of any automatic-alarm receiver approved by the Commission and completed by the manufacturer prior to the effective date of these Requirements and Type Tests.

Manufacturer's tests of the complete device and/or of any components thereof shall be conducted in the laboratory or shop of the manufacturer(s). These tests shall be carried out in accordance with the following requirements under the heading "Manufacturers' Tests" and at the expense of the manufacturer or person submitting the device for approval.

Laboratory tests shall be conducted by the National Bureau of Standards, and/or by any other cooperating government department, under test specifications prescribed by the Commission and shall be at the expense of the manufacturer or person submitting the device for approval. A report of the tests conducted by the Bureau of Standards, and/or other government department, will be submitted to the Commission only: *Provided*, That such reports will be made available to the involved manufacturer at a subsequent date to be determined by the Commission.

Field tests, as deemed necessary or desirable by the Commission, may be carried out by authorized government representatives to determine the reliability of the automatic-alarm-signal keying device under operating conditions equivalent to those encountered in actual service. Prior to approval or rejection of the device by the Commission, the results of such tests will be made known by such representatives only to the responsible government officials and to the Commission for its consideration.

#### Manufacturers' Tests

The following tests shall be conducted by the manufacturer of the automatic-alarm-signal keying device, who shall submit proof in affidavit form that they have been made as required, together with supporting data: *Provided, however*, That properly authenticated data obtained from manufacturers of parts used in the construction of the device may be submitted in lieu of the results of such tests conducted by the manufacturer of the complete device. The Commission may require that any or all of the prescribed tests be witnessed by its representative(s).

Sufficient tests shall be applied to all components to determine the durability of materials, character of workmanship, and that the electrical and/or mechanical characteristics are those required for efficient operation of the device. The following specific tests are prescribed in addition to any other tests which may be required for this purpose:

1. The insulation resistance of the windings and terminals to case and core of transformers and electromagnet coils and the dielectric resistance of con-

densers shall be measured and data recorded for the information of the Commission. (For this purpose a megger, generating 500 to 1000 volts may be employed, if desired, in connection with components capable of withstanding applied voltages of this order.)

2. Transformers and/or electromagnet coils shall be energized under normal conditions of operation of the keying device continuously for one hour, at an ambient temperature of plus 25 degrees Centigrade, at maximum rated voltage, and at rated frequency, with the secondary of transformers loaded normally and with the frame or enclosure grounded. Under these conditions the temperature of each transformer and/or electromagnet coil shall not be such as to affect injuriously any of the material used in construction, and the rise of temperature of the unit undergoing test shall be not more than 40 degrees Centigrade at the end of one hour.

3. A transformer or electromagnet coil, immediately after testing as prescribed in (2) above, shall be tested for capability of withstanding without breakdown, for a period of five minutes, the application (between windings and between each winding and the core or enclosure) of a constant (d. c.) potential of ten times the maximum rated effective potential of the circuit in which the coil or winding is connected.

4. All components containing wax or other sealing, insulating, or electrolytic compounds shall be placed in an oven and the ambient temperature brought to 75 degrees Centigrade and maintained for a period of 15 minutes. They shall then be placed in a refrigerator and the ambient temperature brought to zero degrees Centigrade and maintained for a period of 15 minutes. If sealing, insulating, or electrolytic compounds flow during this oven test or crack during this refrigerator test, these units will not be acceptable for use as components of the device. The electrical characteristics of each unit shall be measured at these temperatures and any observed deviations from the normally rated characteristics of the components which would adversely affect the operation of the keying device shall preclude the use of that component.

5. A sample of each completed<sup>4</sup> electromagnetic winding, fixed metallic<sup>5</sup> resistor, or fixed condenser used for any component of the device shall be immersed in a salt solution composed of two pounds of pure sodium chloride to one gallon of water. The temperature of this solution shall be carried through at least five complete cycles of temperature ranging from normal ambient room temperature (approximately 25 degrees Centigrade) to 50 degrees Centigrade throughout a period of three days. At the expiration of this test the compo-

<sup>4</sup> A "completed" winding for this purpose is either the winding itself, taped and treated; or the winding together with the unit of which it is an inherent part.

<sup>5</sup> This test need not be applied to carbon resistors.



ment shall be washed clean, wiped, and dried for a period not exceeding one hour in an atmosphere having a relative humidity of not less than 50 percent and a temperature of not more than 30 degrees Centigrade. All terminals and windings shall be tested for insulation failure by the application of potentials 100 percent in excess of normal operating potentials, and the insulation resistance of coil windings and condenser dielectrics shall again be measured and recorded for the information of the Commission as noted in (1) herein. The ohmic value of resistors at the beginning and expiration of this test shall also be measured and recorded. Inspection, with case removed if necessary, should evidence no mechanical or electrical defect, or material reduction in insulation; otherwise, the component shall not be acceptable for use in the device.

#### Laboratory Tests

1. The automatic-alarm-signal keying device shall be capable of operating the keying circuit of any transmitter approved by the Commission for use as a main transmitter or as an emergency transmitter in compliance with section 354 of the Communications Act of 1934.<sup>6</sup> For the purpose of demonstrating compliance with this requirement the following test is prescribed:

The transmitter keying circuit of the device shall be tested for a direct current carrying capacity of two amperes through a non-inductive resistance of 115 ohms. Terminals, electrical conductors and keying contacts shall be of sufficient size and properly spaced and insulated for these values of current and for the voltage which will necessarily be applied in this test. During this test, arcing shall not occur when the keying contacts are operated, which would unduly affect the duration of the dashes, and spaces between dashes, or which would otherwise adversely affect the operation of an approved radiotelegraph transmitter keyed by the device.

2. The automatic-alarm-signal keying device, if electrically driven, shall be capable of operation when the required electrical energy is furnished solely by an independent power supply. For the purpose of demonstrating compliance with this requirement, the following tests are prescribed:

(a) The device shall be operated continuously for a period of one hour from a power supply equivalent to the radio station emergency power supply or the required automatic-alarm receiver storage battery power supply of vessels on which the device is to be used,<sup>7</sup> or from

<sup>6</sup>A list of the types of transmitters approved by the Commission for this purpose will be furnished upon request.

<sup>7</sup>Radio station emergency power supplies having potentials of 12, 24 and 110 volts are commonly used on board vessels of the United States. Twelve volt emergency power supplies are most common on these vessels. Approved automatic-alarm receivers used on board United States ships to date are energized by a storage battery power supply of either 6 volts or 24 volts.

a separate and independent source of power furnished as an integral part of the device. For this operation test the potential of the electrical power supply, if used, shall be varied over a voltage range of minus 15 percent to plus 15 percent of the rated potential of such power supply, during which the transmitted dashes shall have a duration within the limits of 3.8 to 4.2 seconds, and spaces between dashes shall have a duration within the limits of 0.8 to 1.2 seconds.

(b) If the keying device is electrically driven, the electrical power input shall not exceed 150 watts at any instant during any complete cycle of operation of the device.

(c) The electrical circuits of the device shall be inspected and tested as may be necessary to determine whether or not they are properly fused for adequate protection of the device and the power supply.

3. The automatic-alarm-signal keying device shall be capable of properly operating the keying circuit of an approved radiotelegraph transmitter so as to transmit the international automatic-alarm signal for a continuous period of one hour, under any condition which may be expected on board ships while being navigated during extreme weather and sea conditions. For this purpose the following tests are prescribed in addition to the test prescribed in paragraph 2 (a) above:

(a) The device shall be placed in operation for a period of one continuous hour while subjected to each of the following conditions of temperature and relative humidity:

(1) 50 degrees Centigrade and 50 percent relative humidity.

(2) 30 degrees Centigrade and 95 percent relative humidity.

(3) Zero degrees Centigrade and 50 percent relative humidity.

(b) The device shall be placed in operation for a sufficient length of time under the following conditions to determine whether or not it will operate properly under such conditions:

(1) While the device is being rocked in such a manner as to simulate a roll and pitch of 45 degrees from the vertical, that is, over an arc of 45 degrees in two planes normal to the horizon and perpendicular to each other.

(2) When subjected to severe vibration comparable to that which might be experienced on board ship, as for example when subjected to vibrations having a period between 20 and 30 cycles per second and an amplitude<sup>8</sup> of at least 0.03 inch in a direction at an angle of 30 to 45 degrees with the base of the device.

(c) The device shall be inspected to determine whether or not all delicate parts are properly enclosed and protected from moisture and from mechanical injury and whether or not components are accessible as may be necessary for inspection and repair when in service.

<sup>8</sup>0.03 inch total excursion, i. e., 0.015 inch each side of the position of rest.

(d) The device shall be inspected and tested as may be necessary to determine the effectiveness of adjustment controls and means for making these adjustments under service conditions together with precautions taken to prevent tampering with adjustments.

(e) Indicating instruments (when provided) and operating controls shall be inspected to determine whether indication is given that the device is in satisfactory operation when the starting control is placed in the "on" position and to determine that a single control for starting and stopping is provided, capable of placing the device in full operation within 30 seconds from the time the control is placed in the "on" position.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 41-598; Filed, January 27, 1941;  
11:16 a. m.]

#### Notices

#### WAR DEPARTMENT.

[Contract No. W-ORD-458 Supp. 1]

#### SUMMARY OF SUPPLEMENT TO COST-PLUS-A-FIXED-FEE CONSTRUCTION, EQUIPMENT AND OPERATION CONTRACT

CONTRACTOR: E. I. DU PONT DE NEMOURS & COMPANY, WILMINGTON, DELAWARE

Fixed fee for construction: (Original) \$500,000.00, (additional) \$250,000.00.

Fixed fee for operation: (Original) \* \* \* per pound for powder. (Additional) \* \* \* per pound for additional powder \* \* \* per pound for diphenylamine \* \* \* per pound for dimethylaniline.

Contract for: Supplemental contract to increase capacity of plant to be constructed and operated under original contract No. W-ORD-458 for acquiring site, designing, constructing, equipping and operating a plant for the manufacture of nitrocellulose smokeless powder, and to include units for the manufacture of diphenylamine and dimethylaniline.

Place: Charlestown, Indiana.

Estimated cost of project: Construction: (Original) \$24,600,000.00, (additional) \$25,950,000.00.

Operation: For manufacture of powder, original and additional \$35,000,000.00. For manufacture of diphenylamine: \$243,000.00. For manufacture of dimethylaniline: \$675,000.00.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover the cost of the same: ORD 6795 P99 AO141-01.

This supplemental contract, entered into this Ninth day of October 1940.

The parties hereto do mutually agree that the said contract of July 17, shall

<sup>8</sup>See paragraphs 7 and 8 under Basic Requirements.



be and it is hereby modified in the following particulars:

The Contractor shall proceed to exercise options which it now possesses for the acquisition of land at or near Charlestown, Indiana; and the Contractor shall, following acquisition of title, convey to the United States of America by satisfactory deed or deeds the unencumbered title subject to any encumbrances as may fall within the exception hereinbefore set forth. The Contractor, based on the estimates of the total cost of the construction work referred to in paragraph (b) of this article and subject to the approval of the Contracting Officer, shall design and prepare all plans, drawings, and specifications; and, under the general supervision of the Contracting Officer, the Contractor shall procure the necessary labor and materials, other than materials and equipment furnished by the Government, and shall construct on said site a plant (hereinafter referred to as "the Plant") for the manufacture of nitrocellulose smokeless powder having a rated capacity of \* \* \* pounds per day of 24 hours. Said plant shall include a unit for the manufacture of diphenylamine.

It is estimated that the total cost of the construction work aforesaid will be approximately fifty million five hundred fifty thousand dollars (\$50,550,000) (not including the cost of acquiring land, nor the cost of equipment furnished by the Government, nor the Contractor's compensation).

As each section of the Plant is completed and ready for operation in conjunction with the Plant as a whole, the Contractor shall proceed to operate it for the production of the smokeless powder, diphenylamine and dimethylaniline in the quantities set forth in this Article.

It is estimated that the total cost of the work under this Article II of this contract will be approximately thirty-five million nine hundred eighteen thousand dollars (\$35,918,000.00), exclusive of the Contractor's fees and exclusive of the costs set forth in sub-paragraphs (3) and (4) of paragraph (a) of Article IV. Said total cost is itemized as follows:

Manufacturing \* \* \* smokeless powder, thirty-five million dollars (\$35,000,000.00).

Manufacturing \* \* \* of diphenylamine, two hundred forty-three thousand dollars (\$243,000.00).

Manufacturing \* \* \* of dimethylaniline, six hundred and seventy-five thousand dollars (\$675,000.00).

As compensation for designing and constructing said Plant, the Contractor shall receive a fee of seven hundred fifty thousand (\$750,000.00) dollars. Promptly after the close of each calendar month, the Government shall pay to the Contractor that proportion of said fee, less installments previously paid, which is equal to the proportion of the construction work which has been completed, based on estimates made by engineers of the Contractor and approved by the Contracting Officer or his representative. In

preparing estimates the material delivered on the site and preparatory work done may be taken into consideration.

As compensation for the maintenance and operation of said diphenylamine unit, the Contractor shall receive \* \* \* per pound of diphenylamine manufactured hereunder in conformity with the specifications. Said compensation shall be paid to the Contractor promptly after the close of the calendar month in which such diphenylamine is inspected and accepted.

As compensation for the maintenance and operation of said dimethylaniline unit, the Contractor shall receive \* \* \* per pound of dimethylaniline manufactured hereunder in conformity with specifications. Said compensation shall be paid to the Contractor promptly after the close of the calendar month in which such dimethylaniline is inspected and accepted.

This contract is authorized by the following law: Act of July 2, 1940 (Public No. 703, 76th Congress).

FRANK W. BULLOCK,  
Major, Signal Corps,  
Assistant to the Director of  
Purchases and Contracts.

[F. R. Doc. 41-595; Filed, January 27, 1941;  
10:45 a. m.]

[Contract No. W-ORD-482]

SUMMARY OF FIXED-PRICE (LUMP-SUM)  
CONSULTANT SERVICE AND COST-PLUS-A  
FIXED-FEE OPERATION CONTRACT

CONTRACTOR: ATLAS POWDER COMPANY, WILMINGTON, DELAWARE

Fixed price: (Lump-Sum) for Consultant Service: \$140,000 under Title I.

Fixed fee for operation: \* \* \* per lb. TNT, \* \* \* per lb. DNT under Title II.

Contract for: Consultant service in connection with designing, equipping and construction of a plant for the manufacture of trinitrotoluene and dinitrotoluene; preparation for operation of said plant (including training of key personnel); and operation of such plant.

Place: At Weldon Springs, Missouri.

Estimated cost of operation of plant: \$6,390,000. under Title II.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover the cost of the same:

ORD 7400 P99 A 0141-01  
ORD 7401 P99 A 0141-01  
ORD 6961 P11 0270-A 1005-01

This Contract, entered into this Twenty Third day of October, 1940.

Title I

ARTICLE I-A. Description. The construction project (hereinafter referred to as "the Plant") shall comprise a plant

on a site of approximately \* \* \* acres at Weldon Springs, near St. Louis, Missouri, for the manufacture of trinitrotoluene (hereinafter referred to as "TNT") and dinitrotoluene (hereinafter referred to as "DNT"), including utilities and appurtenances therefor, all of which are to be of permanent type construction.

ART. I-C. Consideration. 1. As complete consideration for its undertakings under this Title I the Contractor shall receive the sum of One Hundred Forty Thousand Dollars (\$140,000.00).

2. Payment of the consideration provided in section 1 of this Article I-C shall be made to the Contractor in seven (7) equal monthly installments, the first installment to be paid at the close of the first calendar month of this agreement.

Title II

ART. II-A. Statement of work. 1. During construction of the Plant the Contractor shall make necessary preparations for the subsequent operation thereof, including the training of key men for such operation.

2. As each operating line of the Plant is completed and ready for operation, the Contractor shall proceed to operate it for the production of TNT and DNT in the quantities set forth in this Article.

ART. II-B. Estimates. It is estimated that the total cost of the Contractor's performance under Title II of this contract in producing the initial quantities of TNT and DNT will be approximately Six Million three hundred ninety thousand dollars (\$6,390,000.00), exclusive of the Contractor's fee.

ART. II-C. Consideration. In consideration for its undertaking under this Title II the Contractor shall receive the following, which shall constitute complete compensation for the Contractor's services under this Title II, including profit:

1. Reimbursement for expenditures as provided in Title III.

2. A fixed fee of \* \* \* per \* \* \* of TNT and \* \* \* per \* \* \* of DNT manufactured hereunder in conformity with specifications.

ART. II-F. Changes. The Contracting Officer may after consultation with the Contractor, by a written order and without notice to the sureties, require changes in or additions to the specifications for the manufacture of the TNT and DNT, issue additional instructions, require additional work, within the limitations of the plant, or direct the omission of work covered by Title II.

ART. II-G. Provisions applicable only to Title II.—The title to all work under Title II, completed or in the course of construction or manufacture, and to all finished or semi-finished products, shall be in the Government. Likewise, upon deliveries at the site of the work, or at an approved storage site, title to all purchased materials, tools, machinery, equipment and supplies for which the Contractor shall be entitled to be reimbursed under Title III, shall vest in the Government.



## Title III

ART. III-B. *Payments—Reimbursement for cost.*—1. All payments hereunder shall be subject to the provisions of Section 2 of Article III-C.

(2) (a) The Government shall currently reimburse the Contractor for expenditures made in accordance with Article III-A of this Title III upon certification to and verification by the Contracting Officer of the original certified payrolls for labor, or the original paid invoices for materials, or other original papers, or other evidence satisfactory to the Contracting Officer. Reimbursement will be made weekly but may be made at more frequent intervals if the conditions so warrant.

(b) Payment of the general administrative and other expenses provided in sub-paragraph (k) of Section 1 of Article III-A hereof shall be made at the close of each calendar month in which the same shall accrue.

*Payment of the fixed fee.* 3. The fixed fee provided for in Title II, based on the quantities of TNT and DNT manufactured hereunder, shall be paid promptly after the close of the calendar month in which such finished product is inspected and accepted.

ART. III-C. *Advances.* 1. At any time, and from time to time, after the execution of this Contract the Government, at the request of the Contractor, and subject to the approval of Chief of Ordnance as to the necessity therefor, shall advance to the Contractor without payment of interest thereon by the Contractor, not to exceed such total sum as the Secretary of War may prescribe, not in excess of \* \* \* percent of the estimated cost of the operation of said plant under Title II hereof (as increased or decreased pursuant to the provisions of Article II-F of Title II).

2. Whenever there shall be paid to the Contractor, pursuant to section 2 of Article III-B of this contract reimbursement which, when added to the advance payment or payments made pursuant to section 1 of this Article III-C, shall equal the full amount of the estimated cost of the operation of said plant under Title II (as increased or decreased pursuant to the foregoing provisions), no additional payment on account of said work shall be made to the Contractor by the Government until said advance payments are expended.

ART. III-D. *Termination by Government of the work under Title II.* 1. Should the Contractor at any time refuse, neglect, or fail to prosecute the work under Title II with promptness and diligence or default in the performance of any of the agreements herein contained, or should conditions arise which make it advisable or necessary in the interest of the Government to cease work under that Title, the Government may terminate this contract by a notice in writing from the Contracting Officer to the Contractor.

This contract is authorized by the following law: Act of July 2, 1940 (Public No. 703, 76th Cong.).

FRANK W. BULLOCK,  
Major, Signal Corps,  
Assistant to the Director of  
Purchases and Contracts.

[F. R. Doc. 41-593; Filed, January 27, 1941;  
10:44 a. m.]

[Contract No. W 6977 qm-1; O. I. No. I-41]

SUMMARY OF COST-PLUS-A-FIXED-FEE DESIGN AND CONSTRUCTION CONTRACT<sup>1</sup>

CONTRACTOR: FRASER-BRACE ENGINEERING COMPANY, INC., 10 EAST 40TH STREET, NEW YORK, NEW YORK

Fixed-fee: \$461,700.00.

Contract for: The Construction and Equipping, including the Design and Engineering incident thereto, of a plant for the manufacture of Trinitrotoluene and Dinitrotoluene.

Place: Weldon Springs, Missouri.

Estimated cost of project \$10,863,000.00.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following procurement authorities, the available balances of which are sufficient to cover the cost of the same.

ORD 7401 P2-3211 A 0141-01.

ORD 7401 P2-3211 A(0141).116-01 Contract Authorization.

This Contract, entered into this 29th day of October 1940.

ARTICLE 1. *Statement of work.* The Contractor shall, in the shortest practicable time, furnish the labor, materials, tools, machinery, equipment facilities, supplies not furnished by the Government, and services, and do all things necessary for the completion of the following work: The construction and equipping of a plant for the manufacture of TNT and DNT.

It is estimated that the total cost of the construction work covered by this contract will be approximately ten million eight hundred sixty-three thousand and no/100 Dollars (\$10,863,000.00), exclusive of the Contractor's fee.

In consideration for his undertaking under this contract the Contractor shall receive the following:

a. Reimbursement for expenditures as provided in Article III

b. Rental for Contractor's equipment as provided in Article III

c. A fixed fee in the amount of four hundred sixty-one thousand seven hundred and no/100 Dollars (\$461,700.00) which shall constitute complete compensation for the Contractor's services, including profit and all general overhead expenses.

<sup>1</sup> Collateral Contract to Contract No. W-ORD-482, dated October 23, 1940, between the United States of America and Atlas Powder Company.

The Contracting Officer may, at any time, by a written order and without notice to the sureties, make changes in or additions to the drawings and specifications, issue additional instructions, require additional work, or direct the omission of work covered by the contract.

The title to all work, completed or in the course of construction, shall be in the Government. Likewise, upon delivery at the site of the work or at an approved storage site and upon inspection and acceptance in writing by the Contracting Officer, title to all materials, tools, machinery, equipment and supplies, for which the contractor shall be entitled to be reimbursed under Article III shall vest in the Government.

*Data to be furnished by the Government.* The Government shall furnish the Contractor available schedules of preliminary data, layout sketches, the results of the necessary surveys, test borings and foundation exploration, and other information respecting sites, topography, soil conditions, outside utilities and equipment as may be essential for the preparation of preliminary sketches and the development of final drawings and specifications.

All drawings, specifications, and blueprints are to become the property of the Government on completion of payments.

*Reimbursement for cost.* The Government will currently reimburse the Contractor for expenditures made in accordance with Article III upon certification to and verification by the Contracting Officer of the original signed payrolls for labor, the original-paid invoices for materials, or other original papers, or other evidence satisfactory to the Contracting Officer. Generally, reimbursement will be made weekly but may be made at more frequent intervals if the conditions so warrant.

*Rental for Contractor's equipment.* Rental as provided in Article III for such construction plant or parts thereof as the Contractor may own and furnish shall be paid monthly upon presentation of proper vouchers.

*Payment of the fixed-fee.* The fixed-fee prescribed in Article I shall be compensation in full for the services of the Contractor, including profit and all general overhead expenses. Ninety percent (90%) of said fixed-fee shall be paid as it accrues, in monthly installments based upon the percentage of the completion of the work and services as determined from estimates made and approved by the Contracting Officer. Upon completion of the work and its final acceptance, any unpaid balance of the fee shall be paid to the Contractor.

The Contractor hereby agrees that he will: Procure and thereafter maintain such bonds and insurance in such forms and in such amounts and for such periods of time as the Contracting Officer may approve or require.

*Termination of contract by Government.* Should the Contractor at anytime



refuse, neglect, or fail to prosecute the work with promptness and diligence, or default in the performance of any of the agreements herein contained, or should conditions arise which make it advisable or necessary in the interest of the Government to cease work under this contract, the Government may terminate this contract by a notice in writing from the contracting officer to the contractor.

This contract is authorized by the following law: Public No. 703, 76th Congress, Approved July 2, 1940.

FRANK W. BULLOCK,  
Major, Signal Corps,  
Assistant to the Director of  
Purchases and Contracts.

[F. R. Doc. 41-594; Filed, January 27, 1941;  
10:45 a. m.]

[Contract No. W-ORD-458-Supp. 2]

**SUMMARY OF SUPPLEMENT TO COST-PLUS-A-FIXED FEE CONSTRUCTION, EQUIPMENT AND OPERATION CONTRACT**

CONTRACTOR: E. I. DU PONT DE NEMOURS & COMPANY, WILMINGTON, DELAWARE

Fixed-fee for construction (Original and First Supplement), \$750,000.00; (Second Supplement), \$228,000.00.

Fixed-fee for operation: \* \* \* per pound for powder \* \* \* per pound for diphenylamine \* \* \* per pound for dimethylaniline.

Contract for: Supplemental contract to increase capacity of plant to be constructed and operated under original contract No. W-ORD-458, as amended October 9, 1940, for acquiring site, designing, constructing, equipping and operating a plant for the manufacture of nitrocellulose smokeless powder, diphenylamine and dimethylaniline.

Place: Charlestown, Indiana.

Estimated cost of project:

Construction (Original and First Supplement): \$50,550,000.00; (Second Supplement), \$22,820,000.00.

Operation (Original and First Supplement): For manufacture of powder, \$35,000,000.00; for manufacture of diphenylamine, \$243,000.00; for manufacture of dimethylaniline, \$675,000.00.

The equipment, supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover the cost of the same.

ORD 7675 P99 A 0141-01  
ORD 7676 P99 A 0141-01  
ORD 6795 P99 A 1005-01

This supplemental contract, entered into this 28th day of December 1940.

The parties hereto do mutually agree that the said contract of July 17, as amended by said supplement of October 9, 1940, shall be and it is hereby modified in the following particulars:

The Contractor shall proceed to exercise options which it now possesses for

the acquisition of land at or near Charlestown, Indiana; and the Contractor shall, following acquisition of title, convey to the United States of America by satisfactory deed or deeds the unencumbered title subject to any encumbrances as may fall within the exception hereinbefore set forth. The Contractor, based on the estimates of the total cost of the construction work referred to in paragraph (b) of this article and subject to the approval of the Contracting Officer, shall design and prepare all plans, drawings and specifications; and, under the general supervision of the Contracting Officer, the Contractor shall procure the necessary labor and materials, other than materials and equipment furnished by the Government, and shall construct on said site a plant (hereinafter referred to as "the Plant") for the manufacture of nitrocellulose smokeless powder having a rated capacity of \* \* \* pounds per day of 24 hours, available for the daily manufacture of approximately \* \* \* pounds of small arms powder and \* \* \* pounds of cannon powder. Said Plant shall include a unit for the manufacture of diphenylamine, having a rated capacity of \* \* \* pounds per day of 24 hours, a unit for the manufacture of dimethylaniline having a rated capacity of \* \* \* pounds per day of 24 hours.

It is estimated that the total cost of the construction work aforesaid will be approximately seventy-three million three hundred seventy thousand dollars (\$73,370,000.00) (not including the cost of acquiring land, nor the cost of equipment furnished by the Government, nor the Contractor's compensation).

It is estimated that the total cost of the work under this Article II of this Contract will be approximately thirty-five million nine hundred eighteen thousand dollars (\$35,918,000.00), exclusive of the Contractor's fees, and exclusive of the costs set forth in sub-paragraphs (3) and (4) of paragraph (a) of Article IV, and exclusive of the cost of training, at said Plant, key men for the operation of the additional facilities to be installed under this second supplemental contract. Said total cost, is itemized as follows:

Manufacturing \* \* \* pounds of smokeless powder, thirty-five million dollars (\$35,000,000.00).

Manufacturing \* \* \* pounds of diphenylamine, two hundred forty-three thousand dollars (\$243,000.00).

Manufacturing \* \* \* pounds of dimethylaniline, six hundred seventy-five thousand dollars (\$675,000.00).

As compensation for designing and constructing said Plant, the Contractor shall receive a fee of nine hundred seventy-eight thousand dollars (\$978,000.00). Promptly after the close of each calendar month, the Government shall pay to the Contractor that proportion of said fee, less installments previously paid, which is equal to the proportion of the construction work which has been completed, based on estimates made

by engineers of the Contractor and approved by the Contracting Officer or his representative. In preparing estimates the material delivered on the site and preparatory work done may be taken into consideration.

The Contractor is authorized, subject to the approval of the Contracting Officer, to procure liability insurance protecting it against loss due to claims on the part of employees or others and, if requested in writing by the Government and if obtainable, will procure fire or other insurance for the Government in respect of any buildings, equipment, materials or operations involved in this contract; and all premiums therefor shall be charged as part of the costs hereunder.

This contract is authorized by the following law: Act of July 2, 1940 (Public No. 703, 76th Congress).

FRANK W. BULLOCK,  
Major, Signal Corps,  
Assistant to the Director of  
Purchases and Contracts.

[F. R. Doc. 41-596; Filed, January 27, 1941;  
10:45 a. m.]

**DEPARTMENT OF THE INTERIOR.**

**Bituminous Coal Division.**

[General Docket No. 12]

**MAXIMUM DISCOUNTS OR PRICE ALLOWANCES BY CODE MEMBERS TO "DISTRIBUTORS"; ESTABLISHING RULES AND REGULATIONS FOR THE MAINTENANCE AND OBSERVANCE BY DISTRIBUTORS IN THE RESALE OF COAL, OF THE PRICES AND MARKETING RULES AND REGULATIONS**

**PETITION OF RED JACKET COAL CORPORATION**

**Notice of and Order for Hearing**

The Director of the Bituminous Coal Division of the United States Department of the Interior, having on October 24, 1940 entered an order herein promulgating § 304.19 (e)<sup>1</sup> of the Rules and Regulations for the Registration of Distributors, relating to the maximum discounts that code members may allow to their wholly owned Canadian subsidiaries on coal resold by such Canadian subsidiaries to other registered Canadian distributors; and

Jurisdiction having been reserved by the Director to entertain proceedings to modify any of the determinations made in General Docket No. 12; and

Red Jacket Coal Corporation, a code member in Districts Nos. 7 and 8, having filed its petition praying:

(1) That the proceedings in General Docket No. 12 be reopened "for the limited purpose of taking testimony and receiving petitions relative to the advisability of extending to the petitioner the same relief in respect to Empire-Hanna Coal Company, Ltd., as is now extended by § 304.19 (e) of the Rules and Regulations for Registration of Distributors to

<sup>1</sup> 5 F.R. 4241.



wholly owned Canadian subsidiaries of code member producers," or "that the Director grant immediate relief by an order modifying § 304.19 (e) of the Rules and Regulations for Registration of Distributors so as to grant petitioner the same right to make a price allowance to Empire-Hanna Coal Corporation, Ltd., upon coal resold by it to registered Canadian distributors, as if it were a wholly owned Canadian subsidiary of the petitioner," and

(2) That if such proceedings are reopened, and after "testimony and evidence is received, the Director issue an order permitting the petitioner to extend to Empire-Hanna Coal Company, Ltd., a price allowance from minimum f. o. b. mine prices upon coal resold by it to registered Canadian distributors as though said Empire-Hanna Coal Company, Ltd., was a wholly owned Canadian subsidiary of the petitioner,"

*It is ordered*, That General Docket No. 12 be reopened for the limited purpose of receiving evidence to determine whether the modification of § 304.19 (e) of the Rules and Regulations for Registration of Distributors requested by the petitioner should be made, and that a hearing on such matter be held on February 10, 1941, at 10 o'clock a. m. of that day at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

*It is further ordered*, That Travis Williams or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to such petitioners and to any other persons who may have an interest in such proceeding. Any person desiring to be heard at such hearing shall file a notice to that effect with the Bituminous Coal Division on or before February 8, 1941, setting forth therein the nature of his interest and a concise statement of the matter or matters which he intends to present.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern in addition to the matters specifi-

cally alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by an amendment to the petition, petitions of intervenor or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

Dated: January 24, 1941.

[SEAL]

DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 41-588; Filed, January 25, 1941;  
12:48 p. m.]

[Docket No. A-530]

**PROPOSED REVISION OF THE EFFECTIVE MINIMUM PRICES APPLICABLE TO SALES OR DELIVERIES OF COAL BY BERWIND FUEL COMPANY, CARNEGIE DOCK AND FUEL COMPANY, AND CERTAIN OTHER DISTRIBUTORS OR CODE MEMBERS, AND THEIR SUBSIDIARIES OR AFFILIATES, OPERATING DOCKS LOCATED ON LAKE SUPERIOR AND LAKE MICHIGAN, SO AS TO PERMIT THE PERFORMANCE OF CERTAIN OUTSTANDING CONTRACTS IN ACCORDANCE WITH THEIR TERMS PURSUANT TO SECTION 4 II (b) OF THE BITUMINOUS COAL ACT OF 1937**

**NOTICE OF AND ORDER CONSOLIDATING FOR HEARING CERTAIN ADDITIONAL CONTRACTS OF M. A. HANNA COAL & DOCK COMPANY**

M. A. Hanna Coal & Dock Company, one of the parties who instituted this proceeding, filed a petition of intervention herein on January 22, 1941. This petition prays that the hearing be enlarged to consider certain additional contracts to which it is a party, and that the same relief be granted with respect to such contracts as is prayed for with respect to the contracts originally submitted by M. A. Hanna Coal & Dock Company in this proceeding. The additional contracts referred to in the aforesaid petition of intervention, and related data, are on file for public inspection at the offices of the Division at 734 Fifteenth Street NW., Washington, D. C., and are hereby made a part of the official docket in the above-entitled proceeding.

A hearing in the above-entitled matter having previously been scheduled for January 27, 1941 at 10 o'clock in the forenoon of that day at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C.;

*It is ordered*, That the contracts referred to in the petition of intervention of M. A. Hanna Coal & Dock Company, filed with this Division on January 22, 1941, be and they are hereby made part of the subject matter of the proceeding scheduled for hearing at 10 o'clock in the forenoon of January 27, 1941, at the place heretofore designated, and before the same officers previously designated to preside at said hearing;

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to participate herein. Any person desiring to be admitted as a party to these proceedings may file a petition of intervention in ac-

cordance with the rules and regulations of the Bituminous Coal Division or proceedings instituted pursuant to section 4 II (d) of the Act setting forth the facts on the basis of which relief prayed for in the intervening petition of M. A. Hanna Coal & Dock Company, filed with this Division on January 22, 1941, is supported or opposed, or on the basis of which other relief is sought.

All persons are hereby notified that the hearing in the above-entitled matter, and any orders entered therein, may concern, in addition to the matters specifically alleged in the aforesaid petition of intervention, other matters necessarily incidental and related thereto, which may be raised by amendment to said petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of said petition.

The matter concerned herewith is in regard to the revision of the minimum prices now applicable to the sales or deliveries of coal heretofore or hereafter made to various purchasers pursuant to contracts entered into prior to October 1, 1940, in respect to coal largely purchased and placed on docks on Lake Superior prior to October 1, 1940, by the following person, subject to the jurisdiction of the Division (in addition to those persons specified in previous orders herein): M. A. Hanna Coal & Dock Company. A complete list of the contracts referred to in the petition of intervention of M. A. Hanna Coal & Dock Company is filed, as aforesaid, in the official docket in the above-entitled proceeding at the offices of the Division in Washington, D. C.

Dated: January 24, 1941.

[SEAL]

DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 41-581; Filed, January 25, 1941;  
12:46 p. m.]

[Docket No. A-533]

**PETITION OF BENEDICT AND SHERMAN, FOR REVISION OF EFFECTIVE MINIMUM PRICES OF CERTAIN GRADES OF COAL PRODUCED AT THEIR STRIP MINE IN DISTRICT NO. 4**

**NOTICE OF AND ORDER FOR HEARING**

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

*It is ordered*, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on February 15, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

*It is further ordered*, That W. A. Shipman or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated



to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before February 8, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervenors or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to petitioner's request for adjustments in effective minimum prices for variations in the quality of coal produced at this strip mine, depending upon the cut and the location from which the coal is being extracted at a given time.

Dated: January 24, 1941.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 41-582; Filed, January 25, 1941;  
12:46 p. m.]

[Docket No. 1495-FD]

IN THE MATTER OF BIG EAGLE COAL COMPANY, DEFENDANT

NOTICE OF AND ORDER FOR POSTPONEMENT OF HEARING AND ORDER CHANGING DESIGNATION OF TRIAL EXAMINER

A hearing in the above-entitled matter having been scheduled for January 24, 1941, at 10 a. m. in the Directors Room, Municipal Building, Bluefield, West Virginia, before Charles O. Fowler, as Trial Examiner;

It is ordered, That the hearing be postponed to February 6, 1941, at 10 a. m. at the United States District Court Room in the Post Office Building, Bluefield, West Virginia.

It is further ordered, That Trial Examiner Floyd McGown preside at said hearing, vice Charles O. Fowler.

In all other respects the original Notice of and Order for Hearing shall remain in full force and effect.

Dated: January 24, 1941.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 41-587; Filed, January 25, 1941;  
12:47 p. m.]

[Docket No. 1496-FD]

IN THE MATTER OF JAMES FRUIA, DEFENDANT

NOTICE OF AND ORDER FOR POSTPONEMENT OF HEARING AND ORDER CHANGING DESIGNATION OF TRIAL EXAMINER

A hearing in the above-entitled matter having been scheduled for January 24, 1941, at 10 a. m. in the Directors Room, Municipal Building, Bluefield, West Virginia, before Charles O. Fowler, as Trial Examiner;

It is ordered, That the hearing be postponed to February 6, 1941, at 10 a. m. at the United States District Court Room in the Post Office Building, Bluefield, West Virginia.

It is further ordered, That Trial Examiner Floyd McGown preside at said hearing, vice Charles O. Fowler.

In all other respects the original Notice of and Order for Hearing shall remain in full force and effect.

Dated: January 24, 1941.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 41-586; Filed, January 25, 1941;  
12:47 p. m.]

[Docket No. 1502-FD]

IN THE MATTER OF GEORGE VANDE VEN, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated December 4, 1940, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on December 7, 1940, by Spencer Perkins, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 12, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the County Court House, Sheridan, Wyoming.

It is further ordered, That Charles O. Fowler or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the

production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, That answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, That the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

That the defendant on November 17, 1940, sold to Andrew Gilbert located at Zurich, Montana, 9½ tons of ½" nut coal at \$3.50 per ton f. o. b. the mine which was 50 cents per ton below the effective minimum price for such coal. Said coal was produced at defendant's Hollandville mine located at Chinook, Montana, and was shipped via truck; and that he has sold such coal to various and sundry persons at less than the effective minimum prices at various times.

Dated: January 24, 1941.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 41-580; Filed, January 25, 1941;  
12:46 p. m.]



[Docket No. 1511-FD]

IN THE MATTER OF BEN WILLIAMS,  
DEFENDANT

## NOTICE OF AND ORDER FOR HEARING

A complaint dated December 23, 1940, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on December 28, 1940, by Bituminous Coal Producers' Board for District No. 13, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

*It is ordered*, That a hearing in respect to the subject matter of such complaint be held on February 27, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at Room 210, Jefferson County Courthouse, Birmingham, Alabama.

*It is further ordered*, That Travis Williams or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, That the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: By selling to the Thomas Jefferson Hotel, Birmingham, Alabama, on or about November 22, 1940, an unknown quantity of 4' x 0 coal produced at his William #1 and #2 Mines at a price of \$2.50 per ton f. o. b. the mine for shipment via truck.

Dated: January 24, 1941.

[SEAL]

DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 41-585; Filed, January 25, 1941;  
12:47 p. m.]

[Docket No. 1512-FD]

## IN THE MATTER OF RIVERSIDE COAL COMPANY, DEFENDANT

## NOTICE OF AND ORDER FOR HEARING

A complaint dated December 23, 1940, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on December 28, 1940, by Bituminous Coal Producers' Board for District No. 13, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

*It is ordered*, That a hearing in respect to the subject matter of such complaint be held on February 27, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at Room 210, Jefferson County Courthouse, Birmingham, Alabama.

*It is further ordered*, That Travis Williams or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, That answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, That the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: By selling to the Peerless Laundry and the Altamont Apartments, both located at Birmingham, Alabama, during the period since December 1, 1940, an unknown quantity of mine run coal produced at its Riverside Mine at a price of \$2.85 per ton delivered via truck to the aforesaid customers in Birmingham, Alabama.

Dated: January 24, 1941.

[SEAL]

DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 41-583; Filed, January 25, 1941;  
12:46 p. m.]

[Docket No. 1513-FD]

## IN THE MATTER OF W. V. WALKER COAL COMPANY, DEFENDANT

## NOTICE OF AND ORDER FOR HEARING

A complaint dated December 23, 1940 pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on December 28, 1940, by Bituminous Coal Producers' Board for District No. 13, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bi-



tuminous Coal Code or rules and regulations thereunder;

*It is ordered*, That a hearing in respect to the subject matter of such complaint be held on February 27, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at Room 210, Jefferson County Courthouse, Birmingham, Alabama.

*It is further ordered*, That Travis Williams or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, That answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, That the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regula-

tions thereunder as follows: By selling to the Alabama Insane Hospital and Partlow School, both located at Tuscaloosa, Alabama, during the period since December 1, 1940, approximately 100 tons of 1½" x 0 coal produced at its Walker Mine at a price of \$2.35 per ton delivered via truck to the above-named destination.

Dated: January 24, 1941.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 41-684; Filed, January 25, 1941;  
12:47 p. m.]

[Docket No. A-342]

PETITION OF THE CONSUMERS' COUNSEL DIVISION FOR A PERMANENT ORDER EQUALIZING MINIMUM PRICES FOR SHIPMENT ALL-RAIL AND AS LAKE CARGO FROM DISTRICTS 4, 7, AND 8 TO MARKET AREA 21 AND FOR A TEMPORARY ORDER REDUCING MINIMUM PRICES FROM SAID DISTRICTS FOR SHIPMENT ALL-RAIL TO SAID MARKET AREA UNTIL JANUARY 1, 1941, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER FURTHER CONTINUING HEARING

Intervenor District Board No. 7 having moved that the hearing in the above-entitled matter, heretofore scheduled for January 29, 1941, should be continued until February 13, 1941, and having shown good cause why said motion should be granted;

*Now, therefore, it is ordered*, That the hearing in the above-entitled matter be continued from 10 o'clock in the forenoon of January 29, 1941, until 10 o'clock in the forenoon of February 13, 1941, at the place heretofore designated and before the officers previously designated to preside at said hearing.

Dated: January 25, 1941.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 41-610; Filed, January 27, 1941;  
11:39 a. m.]

[Docket No. A-367]

PETITION OF WHEELING TOWNSHIP COAL MINING COMPANY, A PRODUCER IN DISTRICT 4, FOR REVISION OF PRICES AND CLASSIFICATIONS OF COAL IN SIZE GROUPS 5-7, FOR SALE IN MARKET AREAS 4, 5, 7, 9-22, 98 AND 99 AND SIZE GROUPS 1-8, FOR EXPORT TO CANADIAN RAILROADS IN MARKET AREAS 4, 21, 98 AND 99

[Docket No. A-488]

PETITION OF INDUSTRIAL COAL AND IRON COMPANY, THE HARMON CREEK COAL CORPORATION, AND THE JEFFERSON COMPANY FOR REVISION OF CLASSIFICATIONS AND MINIMUM PRICES FOR COALS IN SIZE GROUPS 5, 7, 8 AND 10, PRODUCED AT THE APEX, PHILLIPS, BETSY AND REXFORD MINES IN DISTRICT 4

[Docket No. A-520]

PETITION OF WHEELING TOWNSHIP COAL MINING COMPANY, A PRODUCER IN DISTRICT 4, FOR REVISION OF PRICES OF COAL

IN SIZE GROUP 8 FOR SALE TO THE PLANT OF THE DUPONT COMPANY AT BUFFALO, NEW YORK

NOTICE OF AND ORDER FOR HEARING, ORDER POSTPONING HEARING IN DOCKET NO. A-367 AND ORDER OF CONSOLIDATION

Petitions, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above named parties; and it appearing that in view of the similarity of the subject matter involved said causes should be consolidated;

*It is ordered*, That the hearing in Docket No. A-367, heretofore scheduled for January 27, 1941, be postponed to February 10, 1941, and that a consolidated hearing in the above-entitled matters under the applicable provisions of said Act and the rules of the Division be held on February 10, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

*It is further ordered*, That Floyd McGown or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petitions is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before February 5, 1941.

All persons are hereby notified that the hearing in the above-entitled matters and any orders entered therein, may concern, in addition to the matters specifically alleged in the petitions, other matters necessarily incidental and related thereto, which may be raised by amendment to the petitions, petitions of



interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of these petitions.

The matters concerned herewith are in regard to the requests of the Wheeling Township Coal Mining Company, Industrial Coal and Iron Company, the Harmon Creek Coal Corporation and the Jefferson Company for revision of the price classifications and minimum prices established for the No. 2 Mine of the former company, and the Apex, Phillips, Betsy and Rexford Mines of the latter companies; and the request of the Wheeling Township Coal Mining Company for a reduction in the price of coal in Size Group 8 for shipment to the plant of the duPont Company at Buffalo, New York, Market Area 4.

Dated: January 25, 1941.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 41-611; Filed, January 27, 1941;  
11:39 a. m.]

[Docket No. A-429]

PETITION OF MCCLANE MINING COMPANY,  
A CODE MEMBER IN DISTRICT NO. 2, FOR  
REVISION OF PRICE CLASSIFICATIONS AND  
MINIMUM PRICES

MEMORANDUM OPINION AND ORDER CONCERN-  
ING TEMPORARY RELIEF

The above-named petitioner has filed an original petition pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting reductions in the price classifications and effective minimum prices for coal produced at petitioner's Rich Hill Mine in District No. 2. Petitioner requests reductions in the classifications for coal produced in Size Groups Nos. 1 and 2 from "C" to "G", in Size Groups Nos. 3 and 4 from "C" to "F", and in Size Groups 5 through 9 from "F" to "H". The petition requests temporary relief and an informal conference was held on January 9, 1941, upon due notice to interested persons. At the conference all interested persons were given full opportunity to express their views concerning the temporary relief sought. Petitioner, the Clyde E. Speer Coal Company, Inc., District Board No. 1, District Board No. 2 and District Board No. 6 were represented at the informal conference.

It was asserted by those appearing on behalf of petitioner at the informal conference that due to the fact that petitioner is now classified and priced higher than specified competitors producing coal of a comparable quality and is now classified and priced the same as specified competitors producing coal of a superior quality, petitioner has lost business since the effective date of minimum prices. Petitioner presented no analyses or other analytical data upon which its position was founded. The analyses introduced

into the record by District Board 2 show petitioner's coal as comparing very favorably with the competing coals now priced the same as petitioner's coals. The petitioner contended that these analyses were not representative except as to one or two size groups. Petitioner's representatives asserted that the structure of the coal and the fact that it is strip coal contributes to its lower value.

It appears from the tonnage figures submitted by the representatives of the petitioner at the informal conference that although petitioner's sales dropped off sharply immediately following October 1, 1940, in both November and December of 1940 petitioner's sales showed substantial increases over the preceding month. The data for December 1940 show that petitioner's sales in that month were approximately equal to sales of the months immediately preceding the effective date of minimum prices and were slightly in excess of those for December 1939.

Petitioner stated at the conference that since October 1, 1940, it had dumped 3,000 tons of  $\frac{3}{4}$ " slack coal on the ground. However, it appears from further statements made by the representatives of the petitioner that petitioner did not produce this size of coal prior to October 1, 1940, and thus had not developed a market for such coal. Moreover, it appears that petitioner's request is prompted in part by a desire to be able to move a quantity of coal greatly in excess of the quantity produced and sold in the past. In September 1940, the petitioner completed the installation of new stripping equipment at its mine. The new equipment will enable petitioner to produce almost double the amount of coal which it previously was capable of producing at this mine.

The representatives of District Board No. 1, District Board No. 2 and District Board No. 6 opposed the granting of relief in this matter.

The Director has carefully considered the request for temporary relief, the views expressed and data submitted in connection therewith at the informal conference. The Director finds that petitioner has made no adequate showing of actual or impending injury in the event that temporary relief is not granted and further finds that the granting of this relief would unduly prejudice other interested persons in advance of a hearing and that no sufficiently clear showing has been made that petitioner is entitled to the relief prayed.

Now, therefore, it is ordered, That the temporary relief requested in the petition of the McClane Mining Company is denied.

Dated: January 25, 1941.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 41-609; Filed, January 27, 1941;  
11:39 a. m.]

[Docket No. A-520]

PETITION OF THE WHEELING TOWNSHIP  
COAL MINING COMPANY, A PRODUCER IN  
DISTRICT NO. 4, FOR REVISION OF PRICES  
OF COAL IN SIZE GROUP 8 FOR SALE TO  
THE PLANT OF THE DUPONT COMPANY AT  
BUFFALO, NEW YORK

MEMORANDUM OPINION AND ORDER CONCERN-  
ING TEMPORARY RELIEF

The Wheeling Township Coal Mining Company has filed an original petition under section 4 II (d) of the Bituminous Coal Act of 1937, requesting a reduction of 20 cents per ton in the price of coal in Size Group 8 when sold to the plant of the duPont Company located at Buffalo, New York, in Market Area 4. The petition prays for immediate temporary relief and an informal conference was held on January 8, 1941, upon due notice to interested persons. All persons appearing at the conference were given full opportunity to express their views concerning the temporary relief prayed in the original petition. Petitioner, Factory Fuels Corporation, Rochester & Pittsburgh Coal Company, The United Mine Workers of America, and District Boards Nos. 1, 2, 3, 4, and 6 were represented at the conference.

Petitioner represented at the informal conference that prior to the effective date of minimum prices on October 1, 1940, it had supplied virtually the entire coal requirements of the pulverized fuel unit of the duPont plant at Buffalo. Petitioner further represented that since October 1, 1940, it has been unable to sell coal to the duPont plant and that the business formerly enjoyed by it has been taken by specified mines in District No. 3 having a "DF" classification and taking the "F" price for movement to Buffalo. The coals in Size Group 8 produced by the No. 2 mine of Wheeling Township Coal Mining Company are subject to an effective minimum price of \$1.60 per ton f. o. b. the mine for shipment to Market Area 4. The class "DF" coals produced at certain mines in District No. 3, when taking the "F" price for movement into Market Area 4, are likewise subject to an effective minimum price of \$1.60 per ton. The latter coals, however, move into Market Area 4 on a rail freight rate which is 15 cents per ton higher than the freight rate for coal of the petitioner. The representatives of the petitioner asserted at the informal conference that prior to the effective date of minimum prices it had been necessary for petitioner to market its coals in such a manner that the coals were delivered at the lowest cost per million B. t. u. to the consumer. It was represented that in order to permit petitioner to continue to market its coals in this manner to the duPont Company the price of coal in Size Group 8 would have to be reduced 20 cents per net ton, thus making a delivered differential of



35 cents per ton between petitioner's coals and the "DF" coals produced in District No. 3. It is the contention of the petitioner that this represents the minimum difference in delivered value to the consumer of the two coals and that with respect to factors of evaluation other than B. t. u. content the District No. 3 coals in nearly all respects are superior to petitioner's coal. Petitioner computes the difference in B. t. u. content upon which the requested reduction is founded by comparing the B. t. u. content shown in the analysis of its Size Group 8 coals with the average B. t. u. content shown by the analyses of coals of comparable size produced by the specified District No. 3 mines which were stated to have succeeded petitioner in supplying coal to the duPont plant. Petitioner's coal is inferior to the other coals by 1,273 B. t. u.'s per pound.

The petitioner asserted at the conference that it had in the past supplied almost the entire normal coal requirements of the pulverized fuel unit of the duPont plant, amounting to approximately 5,500 tons per month, and the prayer for temporary relief requests that the 20 cents price reduction be effective for amounts not exceeding 5,500 tons per month.

District Boards Nos. 1 and 3 opposed the granting of temporary relief to this petitioner.

The petitioner has made a reasonable showing of the necessity for temporary relief, pending final disposition of the petition herein. However, the relief should not be granted to the extent requested since the data submitted for the record of the informal conference, showing shipments to the du Pont plant during 1939 and the first nine months of 1940, reveal that during several months in the past petitioner has supplied coal in quantities considerably less than 5,500 tons. It is further evident from such data that during certain of such months the balance of the coal requirements of the pulverized fuel unit was purchased from petitioner's competitors. Therefore, in order to prevent prejudice to other producers who supplied coal to the du Pont Company prior to October 1, 1940, for consumption in the pulverized fuel unit, the temporary relief granted must be limited to the average monthly tonnage of coal sold to du Pont by the petitioner during the first nine months of 1940, roughly, 3,800 tons.

The effective minimum price of coal in Size Group 8 produced by the petitioner and sold to the duPont Company for use in the pulverized fuel unit of its plant at Buffalo, New York, shall be reduced by 20 cents per net ton: *Provided*, That such reduction shall be effective only for an amount of coal in said size group not to exceed 3,800 net tons per month; and *provided further*, That petitioner shall furnish to the Division on the 15th day of each month a report of the quantities of all shipments of coal in Size Group 8 made to the duPont Company during the

preceding month, and the prices paid therefor.

Nothing contained herein is to be construed in any way as representing the view of the Director concerning the final disposition of the matters presented by this petition.

Notice is hereby given That applications to stay, terminate, or modify the preliminary or temporary relief granted in this order may be filed pursuant to the Rules and Regulations Governing Practice and Procedure under section 4 II (d) of the Bituminous Coal Act of 1937.

Accordingly, it is so ordered.

Dated: January 25, 1941.

[SEAL]

DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 41-608; Filed, January 27, 1941;  
11:39 a. m.]

#### Grazing Service.

##### ELIMINATION FROM NEVADA GRAZING DISTRICT No. 5

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269, 43 U.S. Code, sec. 315, et seq.), as amended, commonly known as the Taylor Grazing Act, the departmental order of November 3, 1936, establishing Nevada Grazing District No. 5, is hereby revoked as far as it affects the land within the following-described exterior boundaries:

##### NEVADA

##### Mount Diablo Meridian

Beginning at the northeast corner of T. 15 S., R. 56 E.;  
Thence westerly along the north boundary of T. 15 S., R. 56 E., to the northwest corner of the said township;  
Thence due west to the boundary of Clark County;  
Thence north along the boundary between Clark and Nye Counties to the 3rd Standard Parallel South;  
Thence east along the 3rd Standard Parallel South to a point due north of the northeast corner of T. 15 S., R. 56 E.;  
Thence due south to the northeast corner of T. 15 S., R. 56 E., and the place of beginning.

E. K. BURLEW,  
Acting Secretary of the Interior.

JANUARY 14, 1941.

[F. R. Doc. 41-569; Filed, January 25, 1941;  
9:50 a. m.]

#### DEPARTMENT OF COMMERCE.

##### Civil Aeronautics Authority.

[Docket No. 491]

##### AMERICAN EXPORT AIRLINES, INC.

##### NOTICE OF ORAL ARGUMENT

In the matter of application under section 408 (b) of the Civil Aeronautics Act of 1938, as amended, for approval of the acquisition of all or substantially all of the issued and outstanding stock of TACA, S. A.

Oral argument on the petition of Pan American Airways, Inc., for consolidation of the proceeding involving applications

of Pan American Airways, Inc., and American Export Airlines, Inc., for certificates of public convenience and necessity authorizing service between New Orleans, Guatemala, and other points, Docket Nos. 373 and 497, with the application of American Export Airlines, Inc., for the approval of acquisition by it of all or substantially all the issued and outstanding stock of TACA, S. A., Docket No. 491, will be held on Tuesday, January 28, 1941, 10 a. m., eastern standard time, in Room 5044, Commerce Building, Washington, D. C., before the Board.

Dated Washington, D. C., January 24, 1941.

By the Civil Aeronautics Board.

[SEAL] THOMAS G. EARLY,  
Secretary.

[F. R. Doc. 41-591; Filed, January 27, 1941;  
10:44 a. m.]

#### DEPARTMENT OF LABOR.

##### Wage and Hour Division.

##### NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under Section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Determination and Order, November 8, 1939 (4 F.R. 4531) as amended, April 27, 1940 (5 F.R. 1586).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective January 27, 1941. The Certificates may be cancelled in the man-



ner provided in the Regulations and as indicated in the Certificate. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS, AND EXPIRATION DATE

Ambra Manufacturing Company, 911 Center Street, Freeland, Pennsylvania; Apparel; Men's Shirts; 5 learners (75% of the applicable hourly minimum wage); January 27, 1942.

Bound Brook Novelty Company, 324 Talmage Avenue, Bound Brook, New Jersey; Apparel; Boys' Wash Suits; 5 learners (75% of the applicable hourly minimum wage); January 27, 1942.

Chickadee Dress Company, 835 East Fourth Street, Bethlehem, Pennsylvania; Apparel; Dresses; 25 learners (75% of the applicable hourly minimum wage); June 9, 1941.

The C. B. Cones & Son Mfg. Company, 18-24 North Senate Avenue, Indianapolis, Indiana; Apparel; Overalls, Work Shirts, Coveralls, & Work Pants; 5 percent (75% of the applicable hourly minimum wage); January 27, 1942.

DeRossi and Son Company, Sixth and Quince Streets, Vineland, New Jersey; Apparel; Army Uniforms; 5 percent (75% of the applicable hourly minimum wage); January 27, 1942.

A. Di Paola and Company, 510 South 8th Street, Vineland, New Jersey; Apparel; Sackcoats & Overcoats; 2 learners (75% of the applicable hourly minimum wage); January 27, 1942.

Albert Given Manufacturing Company, 1301 West Chicago Avenue, East Chicago, Indiana; Apparel; Men's Trousers, Sport Shirts for Ensembles, leisure (sport) Coats; 14 learners (75% of the applicable hourly minimum wage); May 26, 1941.

Hortex Manufacturing Company, 213 South Oregon Street, El Paso, Texas; Apparel; Boys' Pants and Shirts (100% cotton); 25 learners (75% of the applicable hourly minimum wage); April 21, 1941.

Mr. Hyman Moonblatt, 428 South 13th Street, Philadelphia, Pennsylvania; Apparel; Ladies' Blouses; 5 learners (75% of the applicable hourly minimum wage); January 27, 1942.

S. Kantor Company, 31 South 8th Street, Lebanon, Pennsylvania; Apparel; Ladies' Blouses; 5 percent (75% of the applicable hourly minimum wage); January 27, 1942.

N. Kasover, 229 North Fourth Street, Easton, Pennsylvania; Apparel; Men's & Boys' Clothing; 5 percent (75% of the applicable hourly minimum wage); January 27, 1942.

LeRoy Shirt Company, 11 Chestnut Street, South Norwalk, Connecticut; Apparel; Shirts, Sport Shirts, and Army Shirts; 10 learners (75% of the applicable hourly minimum wage); May 26, 1941.

Liberty Coat Front Company, Inc., 35 South Liberty Street, Baltimore, Maryland; Apparel; Coat Fronts; 3 learners

(75% of the applicable hourly minimum wage); January 27, 1942.

Michaels, Stern and Company, Inc., 317 Child Street, Rochester, New York; Apparel; Men's & Boys' Clothing; 5 percent (75% of the applicable hourly minimum wage); January 27, 1942.

Michaels, Stern and Company, Inc., 838 Smith Street, Rochester, New York; Apparel; Men's & Boys' Clothing; 5 percent (75% of the applicable hourly minimum wage); January 27, 1942.

The Midland Tailors, 110 South Center Street, Bloomington, Illinois; Apparel; Men's Woolen Uniform Jackets; 10 percent (75% of the applicable hourly minimum wage); May 12, 1941.

Muscatine Pants and Overall Company, 414 East Third Street, Muscatine, Iowa; Apparel; Cotton Pants and Overalls; 3 learners (75% of the applicable hourly minimum wage); January 27, 1942.

Peerless Dress Company, Washington Avenue, Burlington, New Jersey; Apparel; Dresses; 5 learners (75% of the applicable hourly minimum wage); January 27, 1942.

Penn State Underwear Mills, Inc., 601 North Jordan Street, Allentown, Pennsylvania; Apparel; Children's Cotton Sun Suits & Overalls; 5 learners (75% of the applicable hourly minimum wage); January 27, 1942.

Philadelphia Pad and Binding Co., Inc., 1001-03 Filbert Street, Philadelphia, Pennsylvania; Apparel; Coat Fronts, Bias Binding; 5 learners (75% of the applicable hourly minimum wage); January 27, 1942.

Philadelphia Pants Company, 26th and Reed Streets, Philadelphia, Pennsylvania; Apparel; Men's & Boys' Clothing; 5 percent (75% of the applicable hourly minimum wage); January 27, 1942.

S. Rosenbloom, Incorporated, Ellicott City, Maryland; Apparel; Denim Coats, Corduroy Bathrobes, Mattress Covers; 10 percent (75% of the applicable hourly minimum wage); May 12, 1941.

Rough Rider Manufacturing Company, 501 Lawrence Avenue, Napa, California; Apparel; Sport Coats, Wool Trousers, Corduroy Trousers; 5 percent (75% of the applicable hourly minimum wage); January 27, 1942.

Snelbaker Manufacturing Company, 17 East Simpson Street, Mechanicsburg, Pennsylvania; Apparel; Work Shirts & Polo Shirts; 5 learners (75% of the applicable hourly minimum wage); January 27, 1942.

The Star Union Company of Tennessee, Inc., Manchester, Tennessee; Apparel; Pajamas; 5 percent (75% of the applicable hourly minimum wage); January 27, 1942.

Style Rite, Incorporated, 1531 Washington Street, St. Louis, Missouri; Apparel; Men's Lounging Robes; 5 learners (75% of the applicable hourly minimum wage); January 27, 1942.

Supreme Shirt Company, 11th and Washington Avenue, Philadelphia, Pennsylvania; Apparel; Men's Dress & Sport Shirts; 5 percent (75% of the applicable

hourly minimum wage); January 27, 1942.

Varsity Clothing Company, Inc., 211 Grant Avenue, East Newark, New Jersey; Apparel; Uniforms and Coats; 5 percent (75% of the applicable hourly minimum wage); January 27, 1942.

Woods Manufacturing Company, 200 Garrison Avenue, Fort Smith, Arkansas; Apparel; Pants 100% Cotton & Pants other than 100% cotton; 5 learners (75% of the applicable hourly minimum wage); January 27, 1942.

General Glove Company, Martins Ferry, Ohio; Glove; Work Glove; 3 learners; January 27, 1942.

American Hosiery, Inc., 267 Park Street, New Britain, Connecticut; Knitted Wear; Knitted Underwear; 5 learners; January 27, 1942.

Coopers, Incorporated, 2318-60th Street, Kenosha, Wisconsin; Knitted Wear; Knit Underwear; 5 percent; January 27, 1942.

Intermountain Knitting Mills, Inc., 1879 Washington Boulevard, Ogden, Utah; Knitted Wear; Knitted Outerwear & Fabric Dresses; 5 learners; January 27, 1942.

Ideal Hat and Novelty Company, 767 Market St., San Francisco, California; Millinery; Popular-Priced; 3 learners; July 27, 1941.

Spencer Millinery Company, 105 Chauncy Street, Boston, Massachusetts; Millinery; Popular-Priced; 4 Learners; July 27, 1941.

Macon Textiles, Inc., Lake Street, Macon, Georgia; Textile; Cotton Yarn; 3 learners; January 27, 1942.

Sellers Manufacturing Company, Saxapahaw, North Carolina; Textile; Spinning & Mercerizing Cotton Yarn, Silk Throwing; 7 learners; January 27, 1942.

Sellers Manufacturing Co., No. 2, Cedar Falls, North Carolina; Textile; Cotton Yarns; 3 percent; January 27, 1942.

Signed at Washington, D. C., this 27th day of January 1941.

MERLE D. VINCENT,  
Authorized Representative  
of the Administrator.

[F. R. Doc. 41-599; Filed, January 27, 1941; 11:25 a. m.]

[Administrative Order No. 81]

ACCEPTANCE OF RESIGNATION FROM AND APPOINTMENT TO INDUSTRY COMMITTEE NO. 19 FOR THE DRUG, MEDICINE, AND TOILET PREPARATIONS INDUSTRY

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, Philip B. Fleming, Administrator of the Wage and Hour Division, Department of Labor,

Do hereby accept the resignation of Mr. Alvin G. Brush from Industry Committee No. 19 for the Drug, Medicine, and Toilet Preparations Industry and do appoint in his stead as representative for the employers on such Committee, Mr.



Herbert E. Carnes, of Jersey City, New Jersey.

Signed at Washington, D. C. this 27th day of January 1941.

PHILIP B. FLEMING,  
Administrator.

[F. R. Doc. 41-600; Filed, January 27, 1941;  
11:25 a. m.]

# FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 5991]

APPLICATION OF WEST PUBLISHERS, INC.  
(NEW)

## NOTICE OF HEARING

Application dated April 30, 1940; for construction permit; class of service, broadcast; class of station, broadcast; location, Houston, Texas; operating assignment specified: Frequency, 610 kc.; power, 1 kw., DA-Night; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the area and population which would receive primary service from the proposed station.

2. To determine whether the proposed station would suffer interference to such an extent that its service would be reduced to an unsatisfactory degree.

3. To obtain full information with respect to:

a. The training, experience, and business interests of the applicant and its owners;

b. The relation of this application to other applications filed by or in behalf of the applicant or its owners;

c. The purposes for which this application is made and its relationship to the other interests of the applicant and/or its owners;

d. The extent to which the applicant's officers, directors, and stockholders can reasonably be expected to participate in the management and operation of the proposed station.

4. To obtain full information with respect to:

a. The training, experience, and business interests of William H. West and Ray Hamilton;

b. The relations between the applicant and/or its owners and William H. West and/or Ray V. Hamilton;

c. The activities of William H. West and Ray V. Hamilton in connection with the preparation of the above-entitled application and its presentation to the Commission;

d. The interests, present and proposed, which William H. West and/or Ray V. Hamilton have and/or will have in the applicant corporation, in the station proposed to be constructed, and in its operations.

5. To determine whether the applicant is qualified to construct and operate the proposed station in the public interest.

6. To determine whether, in view of the facts relating to the foregoing items, a grant of the application would serve public interest, convenience or necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

West Publishers, Inc.,  
P. O. Box 1679,  
Houston, Texas.

January 23, 1941.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 41-570; Filed, January 25, 1941;  
9:50 a. m.]

# FEDERAL TRADE COMMISSION.

[Docket No. 4243]

IN THE MATTER OF CANDYMASTERS, INC.,  
A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND  
FIXING TIME AND PLACE FOR TAKING  
TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 24th day of January, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

*It is ordered*, That William W. Shepard, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Monday, February 3, 1941, at ten o'clock in the forenoon of that day (Central Standard Time) in Room 208, Federal Building, Minneapolis, Minnesota.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner

will then close the case and make his report upon the evidence.

By direction of the Commission.

[SEAL]

OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 41-606; Filed, January 27, 1941;  
11:28 a. m.]

[Docket No. 4349]

IN THE MATTER OF LOUIS GREENBERG, INDIVIDUALLY, AND TRADING AS RELIANCE JACKET COMPANY

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 24th day of January, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

*It is ordered*, That William W. Shepard, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Monday, February 3, 1941, at eleven o'clock in the forenoon of that day (Central Standard Time) in Room 208, Federal Building, Minneapolis, Minnesota.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By direction of the Commission.

[SEAL]

OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 41-604; Filed, January 27, 1941;  
11:28 a. m.]

[Docket No. 4376]

IN THE MATTER OF TRUDEAU CANDIES, INC.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 24th day of January, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

*It is ordered*, That William W. Shepard, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on



Tuesday, February 4, 1941, at ten o'clock in the forenoon of that day (Central Standard Time) in Room 208, Federal Building, Minneapolis, Minnesota.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By direction of the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 41-607; Filed, January 27, 1941;  
11:28 a. m.]

[Docket No. 4385]

#### IN THE MATTER OF SCHULER CHOCOLATES, INC.

#### ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 24th day of January, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41).

It is ordered, That William W. Shepard, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, February 4, 1941, at eleven o'clock in the forenoon of that day (Central Standard Time) in Room 208, Federal Building, Minneapolis, Minnesota.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By direction of the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 41-605; Filed, January 27, 1941;  
11:28 a. m.]

#### SECURITIES AND EXCHANGE COMMISSION.

[File No. 812-102]

#### IN THE MATTER OF INVESTORS SYNDICATE AND INVESTORS SYNDICATE OF AMERICA, INC.

#### ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 21st day of January, A. D. 1941.

A joint application having been filed in the above entitled matter under the pro-

visions of sections 6 (c) and 17 (b) of the Investment Company Act of 1940 and a hearing thereon having been ordered to be held on January 27, 1941 at 10 o'clock in the forenoon at the offices of this Commission in Washington, D. C.; and the applicants by their counsel having requested that such hearing be postponed until February 10, 1941; and

It appearing not inconsistent with the public interest, the protection of investors or the general purposes of the Investment Company Act of 1940 to grant such postponement:

It is ordered, That the hearing on said application be held on Monday, February 10, 1941 at 10 o'clock in the forenoon of that day in the Securities and Exchange Commission building, 1778 Pennsylvania Avenue NW., Washington, D. C. instead of on January 27, 1940 as originally scheduled. On such day the hearing room clerk in Room 1102 will advise interested persons where such hearing will be held.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-574; Filed, January 25, 1941;  
11:21 a. m.]

#### IN THE MATTER OF THE DISCIPLINARY PROCEEDINGS OF THE NEW YORK CURB EXCHANGE

#### ORDER FOR PUBLIC HEARING DESIGNATING OFFICER TO TAKE TESTIMONY

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C. on the 23d day of January 1941.

#### I

The Commission's official files disclose that:

(1) The New York Curb Exchange is a national securities exchange registered pursuant to Section 6 of the Securities Exchange Act of 1934.

(2) The Constitution of said Exchange provides that it shall be the duty of its Committee on Business Conduct to investigate violations of the rules of the Exchange, to consider complaints involving the possible violation of such rules by members, member firms, partners and employees and to report to the Board of Governors any matters which in its judgment require the consideration of the Board.

(3) The Constitution of said Exchange further provides that it shall be the duty of its Board of Governors to consider charges brought against members, to determine the member's guilt or innocence of such charges and, in the event of a finding of guilt, to fix and impose a suitable penalty therefor.

#### II

Members of the staff of the Commission have reported to the Commission information which tends to show that:

(1) Between April 3, 1940 and July 31, 1940 the Committee on Business Conduct carried on an investigation to determine whether certain brokers on the floor of the New York Curb Exchange had split commissions with Jerome Chester Cuppia in violation of the rules of said Exchange.

(2) On or about July 31, 1940, said Committee terminated said investigation and rendered a report to the Board of Governors wherein it stated that its investigation had disclosed that "splitting of commissions between members had been and was being practiced by certain members of the Exchange," and that "the Committee was unanimous in feeling that the offenses disclosed justified the imposition of severe penalties". Nevertheless the majority of the members of the Committee, which then consisted of four regular members, two ex officio members and two temporary members, voted that if Cuppia signed and filed with the Committee a letter in which he admitted that he had broken the rules of the Exchange, that his conduct was detrimental to the best interests of the Exchange, that it was not his intention to engage again in Street activities and that he proposed shortly to leave the United States to live in South America, and his membership was proposed for transfer, the Committee would not file charges against him before the Board of Governors, would withdraw charges that it had previously filed with the Board against one member, who the Committee found had failed to testify as required by it, and against a member who it found had refused to arbitrate a controversy with another member, and would call before it for reprimand all the members who the Committee believed had split commissions with Cuppia in violation of the rules of the Exchange. Two of the four regular members of the Committee on Business Conduct voted against the course taken by the majority and stated that they believed "the Committee would fail in its duty to the membership if it did not prefer charges for offenses violative of a fundamental factor in the equality essential between members."

(3) Cuppia filed a letter as aforesaid with the Committee which thereafter withdrew the charges which it had filed as aforesaid against certain members and on or about August 13, 1940, it reprimanded certain members for violating one or more of the following rules of the New York Curb Exchange:

(a) The rule forbidding members to split or rebate commissions. (Constitution, Article VI, Section 1);

(b) The rule compelling members to testify as required by a standing committee of the New York Curb Exchange. (Constitution, Article V, Section 4, Paragraph L);

(c) The rule against misstatements by members to a standing committee as to material matters. (Constitution, Article V, Section 4, Paragraph F);



(d) The rule requiring members to arbitrate their controversy. (Constitution, Article VIII, Sections 1 and 2); and

(e) The rule forbidding the payment of gratuities to employees of another firm without written consent of the employer and without filing written notice with the Committee on Member Firms (Rule of the Board of Governors #346).

Thereafter the Committee failed and neglected to file charges before the Board of Governors against any of the members who it found had violated the rules of the New York Curb Exchange in the foregoing respects.

(4) The Board of Governors considered the aforesaid report of the Committee on Business Conduct, approved the transfer of Cuppia's membership on the New York Curb Exchange, the withdrawal of the charges that had theretofore been filed with it as aforesaid and permitted all the members who had been reprimanded by the Committee as aforesaid to continue as members of the Exchange.

### III

Section 6 (b) of the Securities Exchange Act of 1934 provides, among other things, that no registration of a national securities exchange "shall be granted or remain in force unless the rules of the Exchange include provision for the expulsion, suspension, or disciplining of a member for conduct or proceeding inconsistent with just and equitable principles of trade".

As required by section 6 (b) of said Act, Article V, Section 4, paragraph (I) of the Constitution of the New York Curb Exchange makes provision for the expulsion, suspension, or disciplining of its members for conduct or proceeding inconsistent with just and equitable principles of trade.

### IV

The Commission having considered the aforesaid deems it necessary and proper to aid in the enforcement of the provisions of the Securities Exchange Act of 1934, as amended, and in securing information to serve as a basis for recommendation by the Commission of such further legislation concerning any matters to which such Act, as amended, relates as may appear to it to be necessary or appropriate, that an investigation be made pursuant to section 21 (a) of the Securities Exchange Act of 1934:

(a) as to the rules of the New York Curb Exchange with respect to the suspension, expulsion and disciplining of members of said Exchange;

(b) as to the adequacy of the enforcement by the New York Curb Exchange of its rules and, without limiting the foregoing, of the provision of its constitution required by section 6 (b) of the Securities Exchange Act of 1934;

(c) as to whether the manner of enforcing any of said rules or said provision is detrimental to investors or adversely affects the public interest; and

(d) as to the facts, conditions, practices and matters set forth herein.

### V

*It is hereby ordered*, That a hearing for the purposes set forth in Paragraph IV be held at 10:00 A. M. on February 10, 1941, at the office of the Securities and Exchange Commission, 1778 Pennsylvania Avenue, in the City of Washington, District of Columbia, and thereafter at such times and places in Washington or elsewhere as the officer hereinafter designated to conduct said hearing may determine, and Richard Townsend is hereby designated as the officer of the Commission to conduct said hearing and, pursuant to section 21 (b) of the Securities Exchange Act of 1934, is hereby authorized to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence and require the production of books, papers, correspondence, memoranda, and other records deemed relevant or material to the matters in issue at said hearing, and to perform all other duties in connection therewith as authorized by law.

*It is further ordered*, That this order and notice be served on the New York Curb Exchange by registered mail not less than seven (7) days prior to the time of the hearing, and that this order and notice be published in the FEDERAL REGISTER in the manner prescribed by the Federal Register Act.

Upon completion of the taking of evidence in this matter, the officer conducting said hearing is directed to conclude said hearing and transmit a record of the hearing to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-573; Filed, January 25, 1941;  
11:21 a. m.]

[File No. 70-127]

#### IN THE MATTER OF CONSOLIDATED ELECTRIC AND GAS COMPANY, ROANOKE GAS COMPANY

#### ORDER RELATING TO EFFECTIVENESS OF DECLARATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of January, A. D. 1941.

Declarations and applications, together with amendments thereto, having been filed with the Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named parties concerning the following:

(a) The surrender by Consolidated Electric and Gas Company to Roanoke Gas Company of demand notes of said Roanoke Gas Company for cancellation in exchange for 37,900 shares of common stock of no par value of Roanoke Gas Company;

(b) The issuance by Roanoke Gas Company of said shares of common stock;

(c) The acquisition of said shares of common stock by Consolidated Electric and Gas Company for said notes;

(d) The acquisition and retirement by Roanoke Gas Company of said notes; and

(e) The pledge by Consolidated Electric and Gas Company of said shares of common stock with the City National Bank and Trust Company of Chicago, Trustee under Indenture dated March 1, 1926, securing First Lien Collateral Trust 6% Sinking Fund Bonds, due December 1, 1946, of Central Gas and Electric Company, (assumed by Consolidated Electric and Gas Company) in substitution for certain of said notes presently pledged thereunder.

A public hearing having been duly held after appropriate notice; the Commission having examined the record in this matter:

*It is ordered*, That the declarations aforesaid pursuant to sections 12 (c) and 12 (d) of the Act be and the same hereby are permitted to become effective, and that the applications pursuant to sections 6 (b) and 10 of the Act be and the same hereby are granted forthwith, subject to the conditions prescribed in Rule U-9 and to the following additional condition:

That Consolidated Electric and Gas Company shall stand ready and willing to purchase the remaining minority stock, consisting of 20 shares of Roanoke Gas Company held by the public, at a fair price in no event exceeding the book value of such stock, such fair price to be determined by negotiation. This condition shall expire and be no longer of effect on the fifteenth day following the date of this Order.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-575; Filed, January 25, 1941;  
11:22 a. m.]

[File No. 1-2356]

#### IN THE MATTER OF MAR-TEX OIL COMPANY \$1 PAR COMMON (VOTING) STOCK, \$1 PAR CLASS A COMMON STOCK

#### ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 25th day of January, A. D. 1941.

The Baltimore Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the \$1 Par Common (Voting) Stock and \$1 Par Class A Common Stock of Mar-Tex Oil Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

*It is ordered*, That the matter be set down for hearing at 10 A. M. on Friday, February 21, 1941, in Room 1101 Secu-



rities & Exchange Commission Building, 1778 Pennsylvania Ave. NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Willis E. Monty, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-601; Filed, January 27, 1941;  
11:25 a. m.]

[File No. 70-236]

IN THE MATTER OF CONSOLIDATED ELECTRIC  
AND GAS COMPANY, ATLANTA GAS LIGHT  
COMPANY, MACON GAS COMPANY,  
GEORGIA PUBLIC UTILITIES COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 25th day of January, A. D. 1941.

Notice is hereby given that declarations and applications have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named parties; and

Notice is further given that any interested person may, not later than February 10, 1941, at 4:30 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reason for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declarations and applications, as filed or as amended, may become effective or may be granted, as provided in Rule U-8 of the Rules and Regulations promulgated pursuant to said Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declarations and applications, which are on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Applications and declarations have been filed jointly by Consolidated Electric and Gas Company (Consolidated), a registered holding company, and its subsidiaries, Atlanta Gas Light Company (Atlanta), Macon Gas Company (Macon), and Georgia Public Utilities Company (Georgia) with regard to the following proposed transactions:

1. Consolidated proposes to surrender to Macon as a capital contribution \$140,000 principal amount of unsecured Notes issued by Macon and now held by Consolidated; and Consolidated proposes to surrender to Georgia as a capital contribution the following securities issued or assumed by Georgia and now held by Consolidated: (a) \$41,500 principal amount of First Mortgage 6% Bonds; (b) \$1,392,870 principal amount of unsecured Income Notes; and (c) \$117,570 principal amount of unsecured Notes;

2. It is then proposed that Macon and Georgia be merged into Atlanta, and in connection with the merger—(a) Atlanta proposes to acquire all of the properties, assets, rights and franchises of Macon and Georgia, (b) Atlanta proposes to issue its own \$25 par value Common Stock (in amounts hereafter to be determined) to Consolidated in exchange for the presently outstanding 200 shares of Preferred Stock and 4,775 shares of Common Stock of Macon now held by Consolidated, and in exchange for the presently outstanding 1,400 shares of Preferred Stock and 18,000 shares of Common Stock of Georgia now held by Consolidated; the new Common Stock will thereupon be deposited by Consolidated under the Indenture securing Consolidated's Collateral Trust Bonds, and (c) Atlanta proposes to assume payment of all of the then outstanding funded debt of Macon and Georgia which will consist of (1) \$709,000 principal amount of First Mortgage Bonds, 4½% Series, due 1952, issued by Macon, (2) \$363,000 principal amount of First Mortgage 5% Bonds, due 1941, issued by Georgia when its name was The Gas Light Company of Augusta, (3) \$200,000 principal amount of First Mortgage 6% Bonds, due 1941, issued by Georgia Public Utilities Corporation and assumed by Georgia, (4) \$140,000 principal amount of First Mortgage 6% Bonds, due 1946, issued by Griffin Gas, Ice & Cold Storage Company and assumed by Georgia, and (5) \$75,000 principal amount of First Mortgage 7% Bonds, due 2025, issued by Valdosta Gas Company and assumed by Georgia;

3. Atlanta then proposes to issue and sell \$2,200,000 principal amount of a new series of its General Mortgage Bonds (to be dated as of January 1, 1941, to mature January 1, 1961 and to bear interest at a rate of not more than 3¾% per annum) to a single purchaser. The proceeds will then be used (a) to redeem the \$709,000 principal amount of Macon First Mortgage Bonds, 4½% Series, due 1952, at the call price thereof (105%), (b) to pay the \$363,000 principal amount of First Mortgage 5% Bonds, due 1941, issued by Georgia when its name was The Gas Light Company of Augusta, (c) to pay the \$200,000 principal amount of First Mortgage 6% Bonds, due 1941, issued by Georgia Public Utilities Corporation and assumed by Georgia, (d) to pay the \$140,000 principal amount of First

Mortgage 6% Bonds, due 1946, issued by Griffin Gas, Ice & Cold Storage Company and assumed by Georgia, (e) to pay the \$75,000 principal amount of First Mortgage 7% Bonds, due 2025, issued by Valdosta Gas Company and assumed by Georgia, (f) to pay expenses in connection with these transactions estimated at \$40,000, and (g) to create a construction fund for Atlanta amounting to approximately \$640,000; and

4. Consolidated will receive from Atlanta \$778,000 in payment of certain of the above described bonds issued or assumed by Georgia and held by Consolidated. Of the amount so received, \$578,000 will be deposited with the Indenture Trustee for Federated Utilities, Inc. First Lien Collateral Trust 5½% Gold Bonds due March 1, 1957 (heretofore assumed by Consolidated) and will be used either by the Trustee or by Consolidated for the purchase of such Federated Utilities, Inc. First Lien Collateral Trust 5½% Gold Bonds. The other \$200,000 which Consolidated will receive will be deposited with the Indenture Trustee for the Collateral Trust Bonds of Consolidated and will be used either by the Trustee or by Consolidated for the purchase of such Collateral Trust Bonds.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-603; Filed, January 27, 1941;  
11:26 a. m.]

[File No. 70-238]

IN THE MATTER OF VIRGINIA ELECTRIC AND  
POWER COMPANY AND ENGINEERS PUBLIC  
SERVICE COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of January, A. D. 1941.

Notice is hereby given that an application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named parties; and

Notice is further given that any interested person may, not later than February 12, 1941 at 4:30 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such application, as filed or as amended, may be granted as provided in Rule U-8 of the Rules and Regulations promulgated pursuant to said Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said application, which is on file in the office of said Commission, for a state-



ment of the transactions therein proposed, which are summarized below:

Engineers Public Service Company, a registered holding company, proposes to contribute the sum of \$1,000,000 to the capital of Virginia Electric and Power Company, its subsidiary company, represented by the latter company's common stock.

Said Virginia Electric and Power Company will issue and sell privately \$3,000,000 aggregate principal amount of its First and Refunding Mortgage Bonds Series C 3½% due March 1, 1971, \$1,000,000 thereof to each of three insurance companies — John Hancock Mutual Life Insurance Company, Penn Mutual Life Insurance Company and New

England Mutual Life Insurance Company, at 106½ plus accrued interest.

Also, said Virginia Electric and Power Company will issue and sell \$3,930,000 of its 2¼% Notes, payable serially from May 1, 1941 to and including November 1, 1946, to the following banks in the following amounts: The First National Bank of Boston, \$2,947,500.00; First and Merchants National Bank, \$491,250.00; State-Planters Bank and Trust Company, \$319,312.50; and The Central National Bank of Richmond, \$171,937.50.

It is stated in said application that the proceeds of said bonds will be used for new construction and that the proceeds of said notes will be used to retire certain serial notes now outstanding in the

aggregate principal amount of \$3,430,000, bearing interest at the rate of 3% per annum, and also for new construction.

It is further stated that said bonds and notes will be subject to the approval of the State Corporation Commission of Virginia, the State Commission of the State in which Virginia Electric and Power Company is organized and does business, and also by the Utilities Commission of North Carolina, the State Commission of the State in which the company also does business.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-602; Filed, January 27, 1941;  
11:25 a. m.]



